

IN RE: DEVELOPMENT PLAN HEARING and \* BEFORE THE  
PETITION FOR VARIANCE – W/S of \* ZONING COMMISSIONER  
Perry Hall Road, E/S Schroeder Avenue  
(3801 Perry Hall Road) \* OF BALTIMORE COUNTY  
11<sup>th</sup> Election District  
5<sup>th</sup> Council District \* Cases Nos. XI-872 & 02-248-A

John G. Kraft, et al, Owners;  
The Highlands @ Perry Hall, LLC, Developers

ORDER ON THE MOTION FOR RECONSIDERATION

These matters again come before this Hearing Officer/Zoning Commissioner on a Motion for Reconsideration of the Hearing Officer's Opinion and Development Plan Order issued on February 14, 2002. Within that Order, the undersigned denied approval of a two-page, red-lined development plan for the proposed residential subdivision to be known as the Highlands @ Perry Hall. Additionally, that Order dismissed a request for certain variance relief to permit side building face to side building face setbacks less than that required, and further, dismissed as moot, certain variances for existing accessory structures.

Subsequently, pursuant to Rule 2K of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County, the Owners/Developers timely filed the Motion for Reconsideration. Appended to that Motion was a revised, two-page development plan marked as Motion Exhibits 1A and 1B, which amended the previously offered plan. The most notable amendment was the reduction in the number of lots from 81 total to 77. It is also to be noted that due to this reduction, most of the proposed lots were widened. Specifically, 68 of the lots are now shown as 90 feet wide or greater, 5 lots will be 85 feet wide, and 4 lots will be 80 feet wide. As a result of the widening of these lots, a house as wide as 60 feet can be constructed on each lot without the need for variance relief from side building face to side building face setback requirements.

Upon receipt of the Motion for Reconsideration, the undersigned Hearing Officer/Zoning Commissioner scheduled the matter for further public proceedings on April 23, 2002. At that time, representatives of the Owners/Developers appeared, as did their Counsel, Robert A. Hoffman, Esquire. Also, representatives of the surrounding community appeared, as did their

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Counsel, Francis X. Borgerding, Jr., Esquire. At that hearing, the parties submitted for inclusion into the case file a lengthy settlement agreement that resolves the disputes between them. Although that settlement agreement speaks for itself, it references and incorporates the revised development plan, marked as Motion Exhibits 1A and 1B, and restricts the number of lots within the proposed subdivision to a maximum of 77. It also addresses certain concerns expressed by the neighborhood relating to landscaping, road improvements, etc. Most importantly, from the Developer's perspective, the agreement indicates that members of the community who were previously opposed to their proposal, now support the project under the terms and conditions outlined.

As indicated in my initial Hearing Officer's Opinion and Development Plan Order, I was generally satisfied that the issues identified at the public hearing would be resolved in favor of the Developer. Those issues related to road improvements, environmental/storm water management concerns, and the proposed connection of public utilities into the site. Substantial testimony was offered regarding those issues at the hearing. As to specifics on those issues, I would require road improvements to that section of Perry Hall Road abutting the site to a location where the road turns at a 90° angle. The settlement agreement signed between the parties references these road improvements, as well as additional improvements, which are more fully set out in Paragraphs 2, 3 and 4 of the agreement. These relate to the intersection of Perry Hall Road and Belair Road, as well as existing culverts on Perry Hall Road.

As also referenced in my prior Order, I am persuaded by the testimony of Mr. Francik that the proposed utility connection is appropriate. His undisputed testimony was that sufficient width within the utility easement was provided for maintenance and construction to be undertaken. Also, as noted earlier, there is no specific duly adopted regulation upon which the Department of Public Works relies in support of its position that a wider easement is required. For these reasons, I will resolve that issue in favor of the Developer.

Finally, I am satisfied that the storm water management plan is appropriate and that there is not a potential for adverse economic impact. Other "environmental issues" are properly

addressed on the revised site plan and are also the subject of certain portions of the settlement agreement between the parties.

Based upon the representations made on the revised plan, and the settlement agreement between the parties, I am satisfied that same should be approved. Although this case has weathered a difficult procedural path, the ultimate agreement between the Developer and the community represents a fair resolution of the issues between them. The reduction of lots will result in a better plan and will mitigate many of the feared impacts expressed by the community during the public hearing on this matter. Thus, the revised development plan submitted into evidence and marked Motion Exhibits 1A and 1B will be approved.

As noted above, the Owners/Developers also sought variance relief in connection with this case. The requested variances from Section 1B01.2.C.1.B relative to distances between side building faces were withdrawn at the earlier hearing. Due to the revision of the plan and the widening of lots as set out above, these variances are surely not now needed. Three other variances were requested; however, were dismissed as moot. They related to existing accessory structures on what was previously shown as Lot 81, now known as Lot 77. Obviously, those buildings have been on the property for some time and are of sufficient age that their destruction or relocation would be impractical and inappropriate. Moreover, they will continue to be used for storage/ agricultural purposes. The agreement between the parties indicates that the community does not object to their retention. Thus, I find that the Developer has met the requirements of Section 307 of the B.C.Z.R. and as such, variances to allow those buildings to remain will be granted.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the revised development plan shall be approved and variances granted.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this 29<sup>th</sup> day of April, 2002 that the Motion for Reconsideration filed in this matter be and the same is hereby APPROVED, and as such, the revised development plan for The

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Highlands @ Perry Hall, identified herein as Motion Exhibits 1A and 1B, be and is hereby GRANTED, subject to the following restriction:

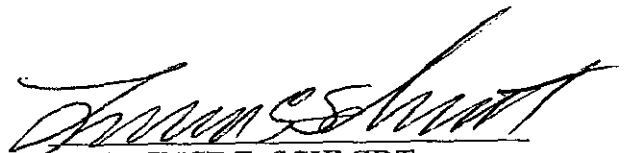
- 1) Compliance with the agreement entered into by and between the Highlands @ Perry Hall, LLC and Vincent C. Pecora, Mark Francis Grasso, and Kathryn A. Dunkle, signed and dated April 23, 2002, a copy of which is attached hereto and made a part hereof.

IT IS FURTHER ORDERED that a variance from Section 400.1 to permit three existing accessory structures on Lot 77 (two barns and one garage) to be located in the side and front yards in lieu of the required rear yard, and to be located outside of the one-third of the lot furthest removed from any street, in accordance with Motion Exhibits 1A and 1B, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.3 to permit two existing accessory structures on Lot 77 (the two barns) to have a height of 35 feet each in lieu of the maximum allowed 15 feet, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 101 to permit two existing accessory structures on Lot 77 (the two barns) to be of similar area (footprint) as the existing dwelling on-site, in lieu of same being subordinate in area, in accordance with Motion Exhibits 1A and 1B, be and is hereby GRANTED.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner/Hearing Officer  
for Baltimore County

LES:bjs

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By

APR 23 2002

AGREEMENT

THIS AGREEMENT is entered into, as of the 23 day of April, 2002, by and between THE HIGHLANDS @ PERRY HALL, LLC (hereinafter "THE HIGHLANDS"), a Maryland limited liability company, and its successors and assigns, and the following individual Perry Hall Manor Subdivision landowners, VINCENT C. PECORA (hereinafter "PECORA"), MARK FRANCIS GRASSO (hereinafter "GRASSO"), and KATHRYN A. DUNKLE (hereinafter "DUNKLE").

**RECITALS**

A. THE HIGHLANDS is the contract purchaser of the property known as "The Highlands at Perry Hall" (hereinafter the "Land"), in the 5<sup>th</sup> Councilmanic District of Baltimore County, Maryland, located on the west side of Perry Hall Road, east of Sadler Lane and North of Schroeder Avenue, and more particularly described on Baltimore County Tax Map No. 63, Parcels 109 and 110, attached hereto as Exhibit A.

B. THE HIGHLANDS has submitted for approval a site plan entitled, "DEVELOPMENT PLAN, PLAN TO ACCOMPANY PETITION FOR VARIANCE" (MOTION EXHIBIT 1A and 1B), dated March 14, 2002, in Case Nos. XI-872 and 02-248-A (hereinafter the "Revised Plan").

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C. PECORA, GRASSO, and DUNKLE are individuals who have assumed a leadership role for other Perry Hall Manor Subdivision landowners interested in preserving the existing character and quality of life of their community, which is located in close proximity to the Land.

D. THE HIGHLANDS has requested that PECORA, GRASSO, and DUNKLE support the Revised Plan referenced above with respect to development, permitting, zoning, and other government approvals, and PECORA, GRASSO, and DUNKLE have agreed upon the terms and conditions hereinafter described.

### AGREEMENTS

NOW, THEREFORE, in consideration of the mutual agreement and understandings contained in this Agreement, and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

THE HIGHLANDS, ON BEHALF OF ITSELF, AND ITS SUCCESSORS AND ASSIGNS, AGREES AS FOLLOWS:

1. There shall be no construction of residential houses on Lot Numbers 73, 74, 75, 76, and 77, as shown on the Revised Plan, until the earlier to occur of: (i) EDWARD KAHL no longer resides on the Land, or (ii) fifteen (15) years from the date of this Agreement. Nothing contained herein shall preclude the continued agricultural use of the Land including, but not limited to, construction of any agricultural structures on the Land.

2. Provided the necessary rights-of-way can be acquired and all required governmental approvals are obtained by using reasonable and good faith efforts, THE

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HIGHLANDS shall construct or cause to be constructed: (i) a left-hand turn lane to stack six (6) cars on Belair Road for northbound traffic turning onto Perry Hall Road; and (ii) a left-hand turn lane on Perry Hall Road for traffic seeking to turn northbound onto Belair Road, such work to commence at the start of any land development work and to be pursued in good faith to completion before completion of any residential house on the Land..

3. Provided the necessary rights-of-way can be acquired and all required governmental approvals are obtained using reasonable and good faith efforts, the two (2) existing culverts located in close proximity to the intersection of Belair Road and Perry Hall Road extended shall be inspected and repaired or replaced to be brought into compliance with Baltimore County standards, such work to commence at the start of any land development work and to be completed before completion of any residential house on the Land.

4. Provided the necessary rights-of-way can be acquired and all required governmental approvals are obtained using reasonable and good faith efforts, the paving width of the bridge located on Perry Hall Road shall be widened to eighteen (18) feet from edge of paving to edge of paving, such work to commence at the start of any land development work and to be completed before completion of any residential house on the Land. THE HIGHLANDS shall make good faith efforts to provide as much paved area within the existing confines of the bridge walls as practical.

5. All reasonable and good faith efforts will be made not to disturb the seventy-five (75) year old trees on the Bell Property shown as Parcel No. 410, Lot 4A on Baltimore County Tax Map No. 63 (the "Bell Property") in connection with the widening

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of Perry Hall Road. Tree wells with protective retaining walls will be constructed, if needed, provided that THE HIGHLANDS is able to obtain written permission of any affected property owner using reasonable and good faith efforts.

6. Prior to the issuance of any use and occupancy permits for any dwellings to be constructed on the Land, the existing well located in the vicinity of storm water management pond 'c' near the Barlow Property shown as Parcel No. 277 on Baltimore County Tax Map No. 63 (the "Barlow Property") shall be abandoned and capped in accordance with standard Baltimore County requirements.

7. In the next available planting season following issuance of a building permit for any new residential dwelling on the Land, landscaping (evergreen or deciduous trees, a minimum of 5 feet in height when planted) shall be planted on the Land along the northern property line of the Barlow Property, in such quantities that it creates an adequate buffer to the storm water management pond 'c.'

8. Provided all required governmental approvals can be obtained using reasonable and good faith efforts, public water and sewer shall be brought to the property line of the Barlow Property for the purpose of allowing a single house connection on the Barlow Property, prior to the issuance of any use and occupancy permits for any residential dwellings to be constructed on the Land. All connection costs, including Baltimore County fees, shall be the responsibility of the owner of the Barlow Property. This provision is conditioned on the owner of the Barlow Property's written permission to make such connection and extension and the owner accepting responsibility for the costs identified in this Paragraph 8.

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9. The obligations outlined in Paragraphs 6, 7 and 8 are conditioned on the owner of the Barlow Property providing any necessary land to widen Perry Hall Road, from the Walter Property to its intersection with Perry Hall Road, to eighteen (18) feet as described in Paragraph 13, so long as the owner of the Barlow Property is compensated in the manner prescribed in Paragraph 13. If the area of land or widening interferes with the Barlow's existing septic area, THE HIGHLANDS, in its discretion, shall repair, alter or replace the affected septic or extend the sewer line to the Barlow house.

10. Provided all required governmental approvals can be obtained using reasonable and good faith efforts, public water and sewer shall be brought to the property line of Jacquelyn Walter's Property shown as Parcel No. 119 on Baltimore County Tax Map No. 63 (the "Walter Property") for the purpose of allowing a single house connection on the Walter Property, prior to the issuance of any use and occupancy permits for any residential dwellings to be constructed on the Land. All connection costs, including Baltimore County fees, shall be the responsibility of the owner of the Walter Property. This provision is conditioned upon the owner of the Walter Property providing written permission to make such connection and extension and the owner accepting responsibility for the costs identified in this Paragraph 10.

11. Provided all required governmental approvals and written permission from the owner of the Walter Property can be obtained using reasonable and good faith efforts, a curb cut for residential access shall be provided on Perry Hall Road to serve the Walter Property, at THE HIGHLANDS' expense.

12. THE HIGHLANDS shall not prohibit residential access to Perry Hall Road during THE HIGHLANDS' development of the Land.

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13. Provided the necessary rights-of-way can be acquired and all required governmental approvals are obtained using reasonable and good faith efforts, that section of Perry Hall Road, from the Walter Property to its intersection with Perry Hall Road, shall be widened to eighteen (18) feet from edge of paving to edge of paving, such work to commence at the start of any land development work and to be completed before completion of any residential house on the Land. In exchange for any land purchased for widening purposes, THE HIGHLANDS shall pay any affected property owners two (2) times the value of that land, as determined by a qualified appraiser that is approved to conduct appraisals for Baltimore County, who is retained by THE HIGHLANDS, or in the discretion of the affected property owner, 2 times the average of THE HIGHLANDS' appraisal and an appraisal by an appraiser qualified to conduct approvals for Baltimore County as provided to THE HIGHLANDS by the affected property owner.

14. [REDACTED]

[REDACTED]

15. Prior to the beginning of construction, THE HIGHLANDS shall establish an escrow account in the name of the Citizens to Preserve the Community of Perry Hall Manor, Inc. (the "Group") to insure removal of any sediment, dirt and/or debris from

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Perry Hall Road during construction in the amount of Ten Thousand Dollars (\$10,000.00), pursuant to an escrow agreement in the form attached hereto as Exhibit \_\_\_\_ (the "Escrow Agreement"). If THE HIGHLANDS does not remove any sediment, dirt, and/or debris resulting from construction within the time frames outlined in the Escrow Agreement, the Group may use any portion of said funds to clean Perry Hall Road. \$10,000 shall be the limit of THE HIGHLANDS liability as it relates to the cleanup fund under this Paragraph. All remaining funds (and interest accrued thereon) shall be promptly returned to THE HIGHLANDS, following completion of the construction of the Dwellings on Lot Numbers 1 through 77.

16. Any damage to the road system of the community caused during construction of the Highlands shall be the liability of the Highlands and shall be repaired promptly.

17. In the next available planting season following the issuance of the first building permit for any residential dwelling on the Land, a landscape buffer shall be planted on the Land along the southern boundary of the Land and on the West Side of Perry Hall Road. Such landscaping shall consist of evergreen and deciduous trees, at least five (5) feet in height when planted, in such quantities that it creates an adequate buffer between the Highlands and the surrounding neighborhood. Said buffer shall be maintained by the Highlands through the conclusion of construction of residential houses at the Highlands.

18. THE HIGHLANDS shall solicit non-binding input from PECORA, GRASSO, and DUNKLE regarding any future community covenants or restrictions to be imposed on the Land. THE HIGHLANDS shall provide copies of any such restrictions

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or covenants to PECORA, GRASSO and DUNKLE at least thirty (30) days prior to recordation.

19. [REDACTED]

[REDACTED]

20. THE HIGHLANDS agrees to hold PECORA, GRASSO, and DUNKLE harmless from any liabilities or claims arising from any discussions or actions taken prior relating to this Agreement.

21. No more than 77 residential dwellings shall be constructed on the Land.

PECORA, GRASSO, and DUNKLE AGREE AS FOLLOWS:

1. They will use their good faith and reasonable efforts to assist THE HIGHLANDS in obtaining any and all needed rights-of-ways, land conveyances, and governmental approvals necessary under this Agreement.

2. They will support the Revised Plan and any and all governmental approvals requested by THE HIGHLANDS in Case Nos. XI-872 and 02-248-A, including but not limited to development plan approval, zoning relief, and permit applications for development of the Land. The support shall, in Highland's discretion include support, in writing or by appearance of Counsel, at hearings, appeals, and in any other proceedings before the Hearing Officer/Zoning Commissioner (hereinafter the "Hearing Officer"), the Board of Appeals, or any other governmental body or agency having jurisdiction as to any aspect of the proposed development of the Land, so long as such development is consistent with this Agreement.

3. Upon the execution of this Agreement, they will immediately withdraw their Appeal to the Board of Appeals decision in Case No. M.C. 01-3, and will support relief consistent with the granting of the Petition for Zoning Map Correction.

### CONDITIONS

This Agreement between THE HIGHLANDS and PECORA, GRASSO, and DUNKLE is conditioned upon final, non-appealable approval of the Plan and the requested variance relief for the "farm" structures before the Hearing Officer in Case Nos. XI-872 and 02-248-A. Additionally, this Agreement is conditioned upon immediate withdrawal of the appeal to the Board of Appeals decision granting the zoning map correction in Case No. M.C. 01-3. Any appeal taken from the Hearing Officer's Findings of Fact and Conclusions of Law in Case Nos. XI-872 or 02-248-A by PECORA, GRASSO, and DUNKLE shall render this Agreement null and void. If any appeal is taken by any other individual or entity and such appeal results in a hearing before the Board of Appeals, then the delay in construction for the lots identified in Paragraph 1 and the requirement to pay double the determined value of the right-of-way pursuant to paragraph 13 shall be both null and void so long as THE HIGHLANDS is neither directly nor indirectly involved in taking such Appeal.

### CONDITIONS PRECEDENT

This Agreement, and particularly the obligations and restrictions set forth above, shall not be effective and binding upon THE HIGHLANDS unless and until final, non-appealable Plan approval is obtained in Case Nos. XI-872 and 02-248-A, and a ruling favorable to THE HIGHLANDS is obtained in the appeal in Case No. M.C. 01-3, and THE HIGHLANDS has acquired all rights-of-way permissions and government

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approvals as may be necessary under this Agreement. If the conditions precedent are not satisfied, then this Agreement shall have no further force and effect.

### **BINDING EFFECT**

This Agreement shall be recorded among the Land Records of Baltimore County, upon satisfaction of the conditions precedent described in the CONDITIONS PRECEDENT above; and the same shall run with and be binding upon THE HIGHLANDS and upon the present and future holders of THE HIGHLANDS' interest in the Land, and shall inure to the benefit of each of the respective parties hereto, their personal representatives, heirs, successors, and assigns, each of whom shall be relieved of all liabilities hereunder upon any assignment or sale of their interests in the Land or their properties in proximity to the Land.

### **TERMINATION**

Notwithstanding anything to the contrary contained herein, if not sooner terminated this Agreement and the obligations, covenants, and restrictions contained herein shall cease and be of no further force and effect at the expiration of fifteen (15) years from the date of this Agreement.

### **MISCELLANEOUS**

1. Notwithstanding anything to the contrary contained herein, should any portion of the Land be taken by eminent domain or by a deed in lieu thereof or be acquired in any manner for improvements to an existing road or right-of-way, upon the taking or transfer, such portion shall be deemed removed from this Agreement and neither party shall have further liability hereunder for such area taken or transferred.

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Date 4/29/12  
By [Signature]

2. If any party to this Agreement, or its successors or assigns is required to institute legal action to enforce the terms of this Agreement and is successful (whether by judgment or settlement) in obtaining enforcement of the Agreement, that party or its successors or assigns shall be entitled to recover reasonable attorney's fees and other reasonable costs of action from the person or entity against whom enforcement is obtained. However, as a prerequisite to the recovery of fees and costs under this paragraph, the person or entity seeking enforcement shall serve the alleged violator of the Agreement with written notice of the violation, and only if the alleged violator has failed to remedy or make substantial progress towards remedying the violation within thirty (30) days after the receipt of this notice may legal action be instituted.

3. This Agreement may be amended only by written instrument executed by each of the parties hereto.

4. THE HIGHLANDS warrants and represents that it has taken all necessary action required to be taken by its charters, bylaws or other organizational documents to authorize the execution of this Agreement.

5. This Agreement, which may be executed in separate counterparts, contains the entire understanding of the parties.

6. Each party warrants that it has carefully read and understands this Agreement, is cognizant of its terms and has had ample time to consult with counsel of its choice regarding its respective rights and obligations in connection herewith.

7. All the notices required by this Agreement shall be hand-delivered or sent by certified mail, postage prepaid, return receipt requested or by nationally recognized

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By

overnight delivery service, to the following addresses, or to other such address as any party shall notify the others of in writing:

THE HIGHLANDS @ PERRY HALL, LLC  
Attention: Ronald O. Schaftel  
111 South Calvert Street, S-2820  
Baltimore, Maryland 21202

and

VINCENT C. PECORA  
9804 Foxhill Road  
Perry Hall, Maryland, 21128

and

MARK FRANCIS GRASSO  
9808 Foxhill Road  
Perry Hall, Maryland 21128

and

KATHRYN A. DUNKLE  
9813 Foxhill Road  
Perry Hall, Maryland 21128

and

ROBERT A. HOFFMAN, ESQUIRE  
210 Allegheny Avenue  
P.O. Box 5517  
Towson, Maryland 21204

and

FRANCIS X. BORGERDING, JR., ESQUIRE  
Mercantile Building  
409 Washington Avenue, Suite 600  
Towson, Maryland 21204-4907

8. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors, and assigns.

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4/29/12

by

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# CONCLUSION

IN WITNESS THEREOF, the parties have executed this Agreement as of the day and year first above written.

ATTEST/WITNESS



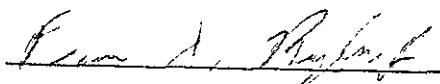
The HIGHLANDS @ PERRY HALL, LLC

BY:  (SEAL)

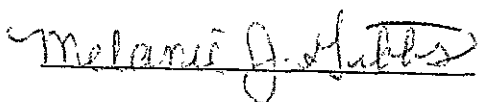
Name: Ronald O. Schaftel


Title: MEMBER

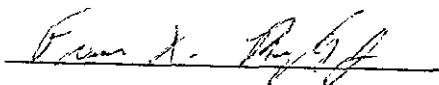
## INDIVIDUAL PROPERTY OWNERS

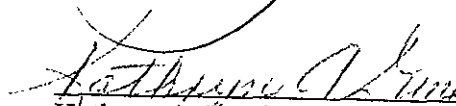


 (SEAL)  
Vincent C. Pecora



 (SEAL)  
Mark Francis Grasso



 (SEAL)  
Kathryn A. Dunkle

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Date

By

STATE OF MARYLAND, CITY/COUNTY OF \_\_\_\_\_, to wit:

I HEREBY CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2002, before me a Notary Public in and for the State aforesaid, personally appeared RONALD O. SCHAFTTEL, \_\_\_\_\_ of THE HIGHLANDS @ PERRY HALL, LLC, a Maryland limited liability company, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained by signing his name as \_\_\_\_\_ of THE HIGHLANDS @ PERRY HALL, LLC.

AS WITNESS my hand and notarial seal.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

STATE OF MARYLAND, CITY/COUNTY OF \_\_\_\_\_, to wit:

I HEREBY CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2002, before me a Notary Public in and for the State aforesaid, personally appeared VINCENT C. PECORA, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

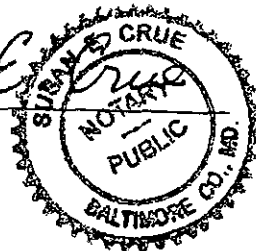
STATE OF MARYLAND, CITY/COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY that on this 23rd day of April, 2002, before me a Notary Public in and for the State aforesaid, personally appeared MARK FRANCIS GRASSO, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

Susan E. Crue  
Notary Public

My Commission Expires: May 1, 2004



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Date 4/29/02  
By [Signature]

STATE OF MARYLAND, CITY/COUNTY OF \_\_\_\_\_, to wit:

I HEREBY CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2002, before me a Notary Public in and for the State aforesaid, personally appeared KATHRYN A. DUNKLE, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

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Date

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By

*[Signature]*



Baltimore County  
Zoning Commissioner

April 26, 2002

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

Robert A. Hoffman, Esquire  
Venable, Baetjer & Howard  
210 Allegheny Avenue  
Towson, Maryland 21204

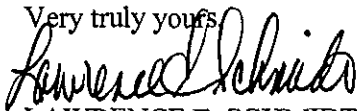
RE: MOTION FOR RECONSIDERATION  
DEVELOPMENT PLAN HEARING & PETITION FOR VARIANCE  
(The Highlands @ Perry Hall)  
Case No. XI-872 & 02-248-A

Dear Messrs. Hoffman & Karceski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved and the Petition for Variance, as modified, granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. John Kraft, 9831 Belair Road, Perry Hall, Md. 21128  
Mr. Robert Kraft, 4323 Forge Road, Perry Hall, Md. 21128  
Messrs. Ronald Scheftel & David Altfeld, 111 S. Calvert St., #2820, Baltimore, Md. 21202  
Messrs. Bob Bradley & Don Mitten, Morris & Ritchie, 110 West Road, #5, Towson, Md. 21204  
Messrs. Wes Guckert & Joe Caloggero, Traffic Group, 9900 Franklin Sq. Dr., Balto, Md. 21236  
Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600, Towson, Md. 21204  
Mr. & Mrs. William Dunkle, 9813 Fox Hill Road, Perry Hall, Md. 21128  
Mr. & Mrs. John Barlow, 3807 Perry Hall Road, Perry Hall, Md. 21128  
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Ms. Linda Lescalleet, 5 Fox Hill Court, Perry Hall, Md. 21128  
Dave Green, DPDM; Bruce Seeley, DEPRM; Robert Bowling, (DPW); Mark Cunningham, OP;  
Jan Cook, R&P; People's Counsel; Case/File

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IN RE: DEVELOPMENT PLAN HEARING and \* BEFORE THE  
PETITION FOR VARIANCE – W/S of \* ZONING COMMISSIONER  
Perry Hall Road, E/S Schroeder Avenue \* OF BALTIMORE COUNTY  
(3801 Perry Hall Road)  
11<sup>th</sup> Election District  
5<sup>th</sup> Council District \* Cases Nos. XI-872 & 02-248-A

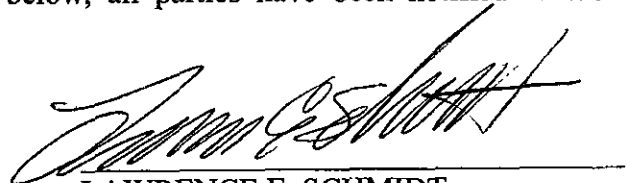
John G. Kraft, et al, Owners;  
The Highlands @ Perry Hall, LLC, Developers

SCHEDULING ORDER

WHEREAS, pursuant to the Motion for Reconsideration filed in the above-captioned matter by Counsel for the Petitioners,

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12<sup>th</sup> day of April, 2002 that continued proceedings for this matter will be conducted on Tuesday, April 23, 2002 at 2:00 PM in Room 407 of the County Courts Building.

By copy of this Order to those listed below, all parties have been notified of these continued proceedings.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Robert A. Hoffman, Esq., Venable, Baetjer & Howard  
210 Allegheny Ave., Towson, Md. 21204  
Francis X. Borgerding, Jr., Esquire, 409 Washington Ave., Suite 600, Towson, Md. 21204  
Mr. & Mrs. William Dunkle, 9813 Fox Hill Road, Perry Hall, Md. 21128  
Mr. & Mrs. John Barlow, 3807 Perry Hall Road, Perry Hall, Md. 21128  
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Mr. Gary Connolly, 9823 Fox Hill Road, Perry Hall, Md. 21128  
Ms. Linda Lescalleet, 5 Fox Hill Court, Perry Hall, Md. 21128  
Dave Green, DPDM; Case File

ORDER RECEIVED FOR FILING

Date 4/12/02

By [Signature]



Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

March 28, 2002

Robert A. Hoffman, Esquire  
Venable, Baetjer & Howard  
210 Allegheny Avenue  
Towson, Maryland 21204

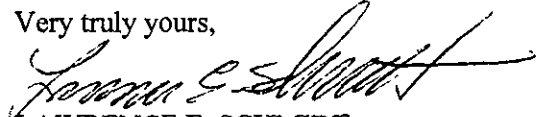
RE: MOTION FOR RECONSIDERATION  
DEVELOPMENT PLAN HEARING & PETITION FOR VARIANCE  
(The Highlands @ Perry Hall)  
Case No. XI-872 & 02-248-A

Dear Mr. Hoffman:

This is to acknowledge receipt of the Motion for Reconsideration filed by you on behalf of John G. Kraft, et al, property owners, and Perry Hall LLC, Contract Purchasers in the above-captioned matter. The Motion requests a reconsideration of the Order issued on February 14, 2002 denying the development plan.

The Motion is filed pursuant to Rule 2(k) of the Zoning Commissioner's Rules of Practice and Procedure, which allows a party to request reconsideration of Orders issued by the Zoning Commissioner/Deputy Zoning Commissioner within thirty (30) days of the date thereof. The Rule further provides that a ruling on the Motion be issued within thirty (30) days of the date of its receipt. The ruling could be a substantive Order on the merits of the case, or, a scheduling Order to establish additional hearing dates. In this case, the Order need be issued by no later than April 15, 2002. By copy of this letter, I am requesting that all parties interested in this matter submit their written comments to me as soon as possible so that I can issue an Order in a timely fashion. This includes any individuals who are not represented by the above-designated counsel.

Very truly yours,

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600 Towson, Md. 21204  
Mr. & Mrs. William Dunkle, 9813 Fox Hill Road, Perry Hall, Md. 21128  
Mr. & Mrs. John Barlow, 3807 Perry Hall Road, Perry Hall, Md. 21128  
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Dave Green, DPDM; Case File

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IN RE: DEVELOPMENT PLAN  
HEARING AND PETITION  
FOR VARIANCE FOR THE  
HIGHLANDS AT PERRY HALL  
W/S PERRY HALL ROAD, E/S  
SCHROEDER AVENUE  
(3801 Perry Hall Road)

11<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District

John G. Kraft, et al., Legal Owners  
Perry Hall, LLC, Contract Purchaser

\* BEFORE THE ZONING  
\* COMMISSIONER/HEARING  
\* OFFICER OF BALTIMORE  
\* COUNTY

\*  
\* Case Nos. XI-872 and 02-248-A

\*  
\*  
\*

\* \* \* \* \*

### **MOTION FOR RECONSIDERATION**

Petitioners/Applicants John G. Kraft, et al., legal owners, and Perry Hall, LLC, contract purchaser ("Petitioners"), by Robert A. Hoffman with Venable, Baetjer and Howard, LLP, their attorney, in accordance with Rule 2(k) of the Zoning Commissioner's Rules of Practice and Procedure, file this Motion for Reconsideration, as follows:

1. On February 14, 2002, the Hearing Officer issued a Hearing Officer's Opinion and Development Plan Order in the above-referenced case, denying the development plan for The Highlands at Perry Hall. From the Order, it is evident that the Hearing Officer based his decision on the "failure of this plan to comply with Section 26-203(d)(19) of the [Baltimore County] Code" in that "precise building envelopes" were not shown. Petitioners file this Motion for Reconsideration and ask that the Hearing Officer reconsider his denial of the development plan. Petitioners believe that the plan did, in fact, comply with Section 26-203(d)(19) of the Baltimore County Code ("B.C.C.").

2. According to B.C.C. Section 26-203(d)(1), a development plan must contain “proposed lot or building layout with parking and loading area.” Section 26-203, however, provides for some flexibility in this regard. In the alternative, the plan “may show the location of a precise building envelope in lieu of the precise location of a building; may show precise maximums and minimums in lieu of fixed values; may set forth reasonable lists of precisely described possible uses of a given space, in lieu of specifying a single use; and may otherwise reasonably allow for flexibility or alternatives, provided that appropriate precise limits are set forth.”

3. The Highlands at Perry Hall development plan showed 81 single-family residential lots on 40.58 acres, which acreage, under the DR-2 zoning, would support this number of lots. According to Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (“B.C.Z.R.”), the houses constructed on the 81 lots must be set back 25 feet from the front property line and 30 feet from the rear property line. There is no dispute that the 25 foot front yard setback and 30 foot rear yard setback restrictions are clearly indicated on each lot on the development plan, creating a potential building envelope at least from front to back.

4. B.C.Z.R. Section 1B01.2.C.1.b also requires that the side of a house be set back 25 feet from either a public street right-of-way or a tract boundary. Where applicable, the Highlands plan clearly indicates these required setbacks, *e.g.*, Lots 77 and 78 show a 25 foot side building face to tract boundary setback.



5. B.C.Z.R. Section 1B01.2.C.1.b, however, does not require that the houses be set back any certain distance from the property lines between the lots. The only requirement is that a 30 foot separation be maintained between the houses themselves. Consequently, if a house is sited 20 feet from the property line, the house on the adjoining lot could be located as close as 10 feet from their adjoining property line. If a house is sited 25 feet from the property line, the house on the adjoining lot could be located as close as 5 feet from their adjoining property line. The inherent flexibility in Section 1B01.2.C.1.b, therefore, makes it impossible to make use of that flexibility and, at the same time, show definite building locations. The exact location of any given house depends on where the neighboring property owner builds his house.

6. In addition to requesting development plan approval, Petitioners sought a variance from B.C.Z.R. Section 1B01.2.C.1.b to permit the houses on Lots 1 through 39 and Lots 41 through 80 to be located as close together as 20 feet side to side rather than the required 30 feet. Petitioners sought this variance relief in order to provide a builder with the option of constructing larger houses in the subdivision (and, most likely, closer together) to meet consumer demand. The requested relief was described in Note 20 on the development plan. As requested by the Department of Permits and Development Management, Zoning Review ("Zoning Review"), in their Concept Plan Comments, a "typical lot setback layout" with accompanying note and "setback chart" were also added to the development plan on Page 2.

7. Therefore, with the required front, rear, and side setbacks shown for each lot, the notes on the plan explaining that 20 foot side to side setback had been requested on all lots except Lots 40 and 81, and the “typical lot setback layout” showing the possible location of a house on a typical lot, the Highlands development plan contained more than sufficient information to meet the requirements of B.C.C. Section 26-203(d)(19). While the ultimate location of each house cannot be pinpointed, for the reasons stated above, the development plan does provide a “building envelope” for each lot. Anyone reviewing the plan had sufficient information for any given lot to determine the potential location of a house on that lot. Petitioners respectfully disagree with the Hearing Officer’s finding that the development plan failed to comply with Section 26-203(d)(19) and with his denial of the plan on this basis.

8. From the Development Plan Conference (“DPC”) Comments issued by Zoning Review, Zoning Review was clearly satisfied that the Highlands development plan met the requirements of B.C.C. Section 26-203(d)(19). In fact, in asking for minor changes, Zoning Review even referred to the areas shown on the plan as “building envelopes.” See Comments A.6. and A.7. The only additional information Zoning Review requested with respect to the individual lots was for front orientation to be shown by arrows. See Comment A.5. Nowhere in Zoning Review’s DPC Comments is there any indication or suggestion that the development plan failed to show sufficient information as to building envelopes. At the hearing on January 24, 2002, Lloyd Moxley, on behalf of Zoning Review, confirmed that there were no outstanding issues with regard to building envelopes.

9. Although the Office of Planning appears to have raised the issue of building envelopes in its Development Plan Conference Comments (See Comments 6 and 7), as of the date of the hearing, any outstanding issues with the Office of Planning had been resolved as confirmed by Mark Cunningham. Further, no party raised the lack of building envelopes as an issue at the hearing before the Hearing Officer. Therefore, it does not appear that anyone considered this to be an outstanding issue. If Petitioners had any indication that this issue was considered outstanding, they certainly would have addressed this issue at the hearing.

10. Petitioners withdrew the request for variance of the 30 foot side building face to side building face setback; however, the withdrawal of this variance request should not have impacted the Hearing Officer's decision to approve or deny the plan. Whether the setback requirement is 30 feet or 20 feet, the same problems exist for a developer in terms of trying to show a precise building location. Without the variance, the houses would simply had to have been located no closer than 30 feet from each other on each side. Variance or no variance, the amount of detail shown on the plan would not have been changed.

11. Without prejudice to their right to argue that the Highlands development plan, submitted as Developer's 1A and 1B at the hearing on January 24, 2002, should have been approved, Petitioners have enclosed with this Motion a revised development plan (Motion Exhibit 1A and 1B) for your consideration, which they believe addresses the Hearing Officer's concerns with regard to the building envelopes and which also addresses a concern

expressed by certain Community members over the total number of lots, the size of the lots, and the size of the houses.

This revised plan shows a total of 77 lots, a reduction of 4 lots from the previous plan. Sixty-eight of the lots will be 90 feet wide or greater, 5 lots will be 85 feet wide, and only 4 lots will be 80 feet wide, all of which will accommodate a 60 foot wide house without the need for a variance. The plan answers community concerns by reducing the number of lots and increasing the lot sizes by enlarging the width of each lot (except for 3 lots) all while respecting the 30 foot side building face to side building face setback requirement.

WHEREFORE, Petitioners respectfully request that the Hearing Officer reconsider his denial of the development plan for The Highlands at Perry Hall, submitted to the Hearing Officer as Developer's Exhibit 1A and 1B and approve that plan as submitted or, in the alternative, consider for approval the revised development plan attached to this Motion for Reconsideration as Motion Exhibit 1A and 1B.

Respectfully submitted,

Robert A. Hoffman / PAHA

ROBERT A. HOFFMAN  
Venable, Baetjer and Howard, LLP  
210 Allegheny Avenue  
P.O. Box 5517  
Towson, Maryland 21285-5517  
(410) 494-6200  
Attorney for Petitioners/Applicants

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 15<sup>th</sup> day of March, 2002, a copy of the foregoing MOTION FOR RECONSIDERATION was mailed to Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600, Towson, Maryland 21204, Attorney for Protestants Mark Grasso, Vince Pecora, and Kathy Dunkle; Mr. and Mrs. John Barlow, 3807 Perry Hall Road, Perry Hall, Maryland 21128; Mr. Mark Mohr, 8 Fox Hill Court, Perry Hall, Maryland 21128; Mr. and Mrs. Carl Dreyer, 9915 Marilynn Road, Perry Hall, Maryland 21128; Mr. Andrew Gray, 9809 Fox Hill Road, Perry Hall, Maryland 21128; Mr. Timothy Kosiba, 9833 Fox Hill Road, Perry Hall, Maryland 21128; Ms. Mary Ann Brown, 9505 Holiday Manor Road, Baltimore, Maryland 21236; Ms. Carolyn Andrion, 9815 Fox Hill Road, Perry Hall, Maryland 21128; Mr. Tim Lott, 9814 Fox Hill Road, Perry Hall, Maryland 21128; Mr. Gary Connolly, 9823 Fox Hill Road, Perry Hall, Maryland 21128; Ms. Linda Lescalleet, 5 Fox Hill Court, Perry Hall, Maryland 21128, Protestants; and to Peter Max Zimmerman, Esquire, People's Counsel, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204.

  
ROBERT A. HOFFMAN

TO1DOCS1/133288 v1



Baltimore County  
Zoning Commissioner

February 15, 2002

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

Robert A. Hoffman, Esquire  
David Karceski, Esquire  
Venable, Baetjer & Howard  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING & PETITION FOR VARIANCE (The Highlands @ Perry Hall)  
W/S Perry Hall Road, E/S Schroeder Avenue (3801 Perry Hall Road)  
11th Election District - 5th Council District  
John G. Kraft, et al, Owners; The Highlands @ Perry Hall, LLC, Contract Purchaser/Developer  
Case No. XI-872 & 02-248-A

Dear Messrs. Hoffman & Karceski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been denied and the Petition for Variance dismissed, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. John Kraft, 9831 Belair Road, Perry Hall, Md. 21128  
Mr. Robert Kraft, 4323 Forge Road, Perry Hall, Md. 21128  
Messrs. Ronald Scheffel & David Altfeld, 111 S. Calvert St., #2820, Baltimore, Md. 21202  
Messrs. Bob Bradley & Don Mitten, Morris & Ritchie, 110 West Road, #5, Towson, Md. 21204  
Messrs. Wes Guckert & Joe Caloggero, Traffic Group, 9900 Franklin Sq. Dr., Balto, Md. 21236  
Mr. & Mrs. William Dunkle, 9813 Fox Hill Road, Perry Hall, Md. 21128  
Mr. & Mrs. John Barlow, 3807 Perry Hall Road, Perry Hall, Md. 21128  
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Ms. Linda Lescalleet, 5 Fox Hill Court, Perry Hall, Md. 21128  
Dave Green, DPDM; Bruce Seeley, DEPRM; Robert Bowling, (DPW); Mark Cunningham, OP;  
Jan Cook, R&P; People's Counsel; Case File

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IN RE: DEVELOPMENT PLAN HEARING and \* BEFORE THE  
PETITION FOR VARIANCE – W/S of  
Perry Hall Road, E/S Schroeder Avenue \* ZONING COMMISSIONER  
(3801 Perry Hall Road)  
11<sup>th</sup> Election District \* OF BALTIMORE COUNTY  
5<sup>th</sup> Council District \* Cases Nos. XI-872 & 02-248-A

John G. Kraft, et al, Owners;  
The Highlands @ Perry Hall, LLC, Developers

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

These matters come before this Hearing Officer/Zoning Commissioner for a single public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (Code), for consideration of a development plan and Petition for Variance filed by the owners of the subject property, John G. Kraft, Joseph H. Kraft, Robert C. Kraft, Margaret Kraus, Anne M. Dietz, Catherine T. Ryan, and the Trustees of the Kahl Family, G. Norman Dreisch and Robert L. Bertorelli, and the Contract Purchaser/Developer, The Highlands @ Perry Hall, LLC.

Approval is requested of a two-page, red-lined, development plan prepared by Morris & Ritchie Associates, Inc., which was accepted and marked into evidence as Developer's Exhibits 1A and 1B, for the proposed development of the subject property with 81 single family dwellings. In addition to development plan approval, the Owners/Developers request relief, pursuant to the Petition for Variance, from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1B01.2.C.1.b to permit a side building face to side building face setback of 20 feet in lieu of the required 30 feet for Lots 1 through 39 and Lots 41 through 80; from Section 400.1 to permit three existing accessory structures on Lot 81 (two barns and one garage) to be located in the side and front yards in lieu of the required rear yard, and to be located outside of the one-third of the lot furthest removed from any street; from Section 400.3 to permit two existing accessory structures on Lot 81 (the two barns) to have a height of 35 feet each in lieu of the maximum allowed 15 feet; and, from Section 101 to permit two existing accessory structures on Lot 81 (the two barns) to be of similar area (footprint) as the existing dwelling on-site, in lieu of same being subordinate in area.

ORDER RECEIVED FOR FILING

Date

By

The subject property consists of a gross area of 40.58 acres, more or less, predominantly zoned D.R.2 with a small sliver of R.C.2 zoned land along the northern boundary. The property is located on the west side of Perry Hall Road, just east of that road's intersection with Schroeder Avenue in Perry Hall.

The development plan approval process in Baltimore County is codified in Title 26 of the Baltimore County Code (development regulations). These regulations set out a process by which plans for the development of a given property are reviewed in an orderly and timely manner. The process begins by the Owner/Developer filing a concept plan. As the name suggests, this plan sets out in a conceptual fashion the development proposed. The concept plan is reviewed by various agencies of Baltimore County which submit written comments at a concept plan conference. In this case, a concept plan of the proposed development was submitted and a conference held thereon on June 25, 2001. The second step of the process mandates community input. A meeting is held within the affected community during evening hours to afford members of the neighborhood an opportunity to review and comment on the plan. In this case, two Community Input Meetings (CIM) were held, one on August 8, 2001 and the other August 22, 2001, both at the Perry Hall Middle School. Having received County and Community input, the third step in the process requires the Developer to submit a revised development plan addressing the concerns raised at both the first and second phases of the review process. At this phase, the plan is inspected by the reviewing County agencies and written comments are submitted at a Development Plan Conference, which in this case, was held on January 2, 2002. The fourth and final step of the process requires a quasi-judicial hearing before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County. All parties are given an opportunity to participate at the hearing and offer testimony and evidence both in support of and in opposition to the proposal. In this case, the Hearing Officer's Hearing was conducted over three days, namely, January 24, 2002, January 25, 2002, and February 1, 2002. The hearings were well-attended by both supporters and opponents of the plan.

Appearing at the Hearing Officer's Hearing in support of this project were John Kraft and Robert Kraft, co-owners of the subject property, Ronald Schaftel and David Altfeld, principals

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By



of The Highlands @ Perry Hall, LLC, and Robert A. Hoffman, Esquire and David Karceski, Esquire, attorneys for the Owners/Contract Purchasers. Also testifying in support of the proposal were a number of expert witnesses. They included Joe Caloggero of The Traffic Group, Inc.; Bob Bradley and Don Mitten of Morris & Ritchie Associates, Inc.; and, William Francik, a Contractor engaged by the Developer to explain the potential utility connection to the site. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Dave Green, Project Manager; Bob Bowling, Development Plans Review; Ron Goodwin, Land Acquisition; and, Lloyd Moxley, Zoning Review. Also appearing on behalf of the County were Mark Cunningham, Office of Planning (OP); R. Bruce Seeley, Glenn Schaefer, and Todd Taylor, Department of Environmental Protection and Resource Management (DEPRM); and Jan Cook, Department of Recreation and Parks (R&P). A number of individuals from the surrounding locale appeared and testified in opposition to the plan. The attendance of those individuals is reflected in the sign-in sheets that were circulated at the hearing and are contained within the case file. Although too numerous to identify all of the individuals who appeared, testimony in opposition to the proposal was received from Vince Pecora, Andrew Gray, Earl Kline, Carl Dreyer, Mark Grasso, Kathy Dunkle, John Barlow, Christopher Defeo, Mark Mohr, Richard Overbey, and Timothy Kosiba.

As noted above, the subject property contains a gross area of 40.58 acres, predominantly zoned D.R.2. There is a very narrow strip of R.C.2 zoned land along the northern property line, but for all intents and purposes, the parcel is zoned D.R.2. In this regard, a Petition for Map Zoning Correction was approved by the County Board of Appeals on November 23, 2001, rezoning a portion of the property that had been mistakenly designated R.C.2 to D.R.2. That approval is currently under appeal to the Circuit Court of Maryland for Baltimore County. For purposes of consideration by the undersigned Hearing Officer, I am required to assume that the Board of Appeals' action was correct. There has been no stay or injunctive relief issued by the Circuit Court that orders me to assume otherwise.

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2/14/12  
By: [Signature]

Presently, the site is largely undeveloped. There is an existing single family dwelling on the southeast corner of the property. This residence and several outbuildings adjacent thereto will remain on a new parcel to be known as Lot 81; however, several other outbuildings on this lot will be razed. As noted above, the site is proposed for residential development with 81 single family dwelling lots. The proposed location of the lots and the internal road system proposed to provide vehicular circulation is shown on the plan. The site is accessed by a public road known as Perry Hall Road, which connects to Belair Road (U.S. Route 1) to the southeast. Although bearing a single name, Perry Hall Road, which leads from Belair Road to the subject site, is divided into two markedly different sections. From Belair Road to the point where the road has a sharp (90°) turn, the roadway is generally 18 feet wide; however, there is one particular section of the road over a culvert, where the width is minimally less. From the point of the 90° left turn to the subject site, the road is much narrower and substandard. To improve access, the Developer has agreed as part of the development of this site to widen that stretch of road to bring same to a relatively uniform width of 18 feet.

The general character of the area is also of note. The Gunpowder Falls State Park abuts the property on the north side. In other directions, the surrounding neighborhood is generally rural/residential in nature. The subject property has traditionally been used for agricultural purposes. There are a number of single family homes on relatively substantial sized lots within the area. Also, the Perry Hall Mansion (a historic building) is located nearby.

A number of open issues were raised at the hearing by representatives of the County reviewing agencies and the record will show significant testimony and evidence was offered regarding same. These included the placement of landscape islands within the proposed cul-de-sacs; the proposed connection of utilities from an off-site location to the southwest across privately owned property and into the subject parcel; and, the required improvements to Perry Hall Road. Additionally, issues were identified relating to environmental protection, including the location and operation of three proposed storm water management facilities on the site. The Protestants also raised a number of other issues relating to projected traffic patterns/volumes and

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Date 2/14/12  
By [Signature]

school overcrowding, the effects the proposed development will have on the existing Perry Hall Mansion, and compatibility.

A brief comment is also in order regarding the Petition for Variance. Three of the variances requested relate to existing structures on proposed Lot 81. Those variances are from Sections 400.1, 400.3 and 101 of the B.C.Z.R. and seek relief to allow two barns and a garage on Lot 81 to remain at their present location and configuration. Although permitted by right at the present time as accessory to the existing house and historic agricultural use of the property, the subdivision of the property requires existing buildings to be brought into compliance with the current requirements of the B.C.Z.R. These three variances seek relief to permit those structures to remain as they presently exist, albeit on a new lot. They are not now, nor will they be in the future, used as dwellings.

The fourth variance was a request for "blanket" relief for 79 of the 81 lots proposed. Specifically, relief was requested from Section 1B01.2.C.1.b of the B.C.Z.R. to allow a side building face to side building face setback of 20 feet in lieu of the required 30 feet for Lots 1 through 39 and Lots 41 through 80. It is to be noted that during the hearing, the Developer, without prejudice and explanation, withdrew this specific request for variance relief.

Upon consideration of all of the evidence offered, I am generally satisfied that the issues identified above would be resolved in favor of the Developer. As to traffic, road improvements to that section of Perry Hall Road abutting the site to the 90° turn are warranted and agreed to by the Developer. I would not require additional improvements to that section of Perry Hall Road from the 90° turn to Belair Road and/or that intersection. I am also generally satisfied that environmental concerns have been addressed. The storm water management plan appears appropriate, and there does not appear to be a potential for adverse environmental impacts on adjacent or neighboring properties. Also, based upon the testimony of Mr. Francik and the lack of County regulation specifically prohibiting the proposed utility easement, I would be inclined to permit the connection of utilities as shown on the plan. Other issues identified do not appear to warrant denial of the plan (e.g., school overcrowding, compatibility, etc.).

ORDER RECEIVED FOR FILING  
date 2/14/09  
by [signature]

That being said, however, there are concerns about this development plan. The project is proposed to be built out to maximum density. That is, 81 units are permitted under the D.R.2 zoning and acreage of the tract, and 81 units are proposed. Surely, this many houses will result in an increase of vehicles on the roads in the vicinity. More importantly, although meeting minimum lot size and setbacks as required by the B.C.Z.R., the proposed lots and houses appear to be squeezed onto this site. The perception that this plan represents an overcrowding of the site is troublesome.

Moreover, the presentation of the plan has caused uncertainty about the ultimate nature of the project. Although it is recognized that the development plan is not a final design, the proposed dwelling layout is vague. The red-lined development plan shows no building envelopes or proposed dwellings on the lots. This absence is noteworthy, particularly in view of the sudden withdrawal of variance relief, without explanation. Admittedly, it is within the sole discretion of the Developer to submit a plan in the fashion that it chooses. Likewise, it is incumbent upon the Hearing Officer to evaluate what is submitted to determine compliance with the County Code.

In the review process described above, the Developer submitted a concept plan for this project, a copy of which is contained within the case file and is part of the record. That plan was the subject of concept plan comments submitted at the conference held thereon on June 25, 2001. The concept plan submitted at that conference shows the location of proposed residential structures on each lot. That disclosure made it easy for the County reviewer to ascertain compliance with zoning requirements (i.e., setbacks) and determine if the layout of the 81 lots/houses in the manner proposed was inappropriate.

The concept plan review comments from the Zoning Review division of the Department of Permits and Development Management were prepared by Jeffrey N. Perlow, a Planner II in that office. Within his comments, Mr. Perlow stated: **"D.R. Setbacks:** (The plan should) (s)how a typical lot setback layout along with a setback chart on the plan. With this information, state; **"Envelopes or typical dwellings as shown** dictate a specific orientation which is intended to allow compliance with B.C.Z.R. and policies. Should the orientation change or

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Date

By

create conflicts with the regulations or policies, the orientation must be changed to alleviate the conflict.” (Emphasis added)

In response to that comment, the Developer added Mr. Perlow’s recommended statement on its development plan. (See Developer’s Exhibit 1B (Page 2) of the red-lined plan.) However, unlike the concept plan and contrary to the language of the note, proposed building envelopes or typical dwellings are not shown. That is, although the Developer added Mr. Perlow’s required note, it amended its plan and removed the information related to that note, i.e., the building envelopes or the location of potential dwellings on the residential lots. The representation within the note notwithstanding, the deletion of the building envelopes or proposed dwellings on the plan makes review difficult and defeats the purpose of the note. There was no explanation offered as to why the building envelopes were deleted and the variances subsequently withdrawn, without prejudice. The undersigned Hearing Officer acknowledges that an explanation cannot be required, even if, as I have concluded, building envelopes are.<sup>1</sup>

In any event, it is not the Hearing Officer’s role or responsibility to dictate his personal preferences on the plan, or to advise the Developer and its consultants as to how a plan should be prepared and submitted. The Hearing Officer’s responsibility is to evaluate that plan and determine compliance with the applicable portions of the development review regulations.

Section 26-203 of the Baltimore County Code is entitled “The Development Plan.” That Section states what information must be shown on the plan. Section 26-203(b) thereof sets out the background information that must be shown on the plan. Section 26-203(c) provides that the plan shall identify certain information regarding existing site conditions. Section 26-203(d) states, “The plan shall contain the following development proposal information.” Use of the word “shall” imposes a mandatory requirement. (See Blumenthal v. Clerk of the Circuit Court for Anne Arundel County, 278 Md. 398 (1976).

Insofar as required development proposal information, Section 26-203(d)(19) states, in part, “The plan may show the location of a precise building envelope in lieu of the precise

<sup>1</sup> Ironically, the Developer could no doubt have resolved these concerns by a minimal reduction in the number of lots. The elimination of some strategically located lots would result in larger lots and therefore, greater setbacks and more open space. As a byproduct, it would reduce anticipated traffic and student yield (i.e., overcrowding on schools).

ORDER RECEIVED FOR FILING  
Date 2/14/02  
By [Signature]

location of a building..." , (emphasis added). Obviously, that Section requires the Developer to show one of two things. The use of the phrase "in lieu of" is dispositive to the legislative intent that the plan need show either the location of a precise building envelope, or the precise location of the building. In this case, the plan shows neither. Thus, the plan fails to comply with a mandated requirement of Section 26-203 of the Code.<sup>2</sup>

Section 26-206(b) of the Code requires that the Hearing Officer grant approval of a development plan which complies with the development regulations and applicable policies, rules and regulations thereto. Plans that do not so comply cannot be approved. In view of the patent failure of this plan to comply with Section 26-203(d)(19) of the Code, the plan must therefore be denied.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be denied, and the Petition for Variance dismissed as moot.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this 14<sup>th</sup> day of February, 2002 that the two-page, red-lined development plan for The Highlands @ Perry Hall, identified herein as Developer's Exhibits 1A and 1B, be and is hereby DENIED; and,

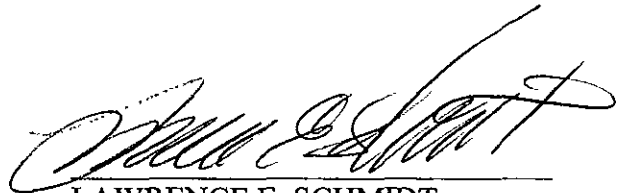
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1B01.2.C.1.b to permit a side building face to side building face setback of 20 feet in lieu of the required 30 feet for Lots 1 through 39 and Lots 41 through 80, in accordance with Developer's Exhibits 1A and 1B, be and is hereby DISMISSED, as withdrawn; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 400.1 to permit three existing accessory structures on Lot 81 (two barns and one garage) to be located in the side and front yards in lieu of the required rear yard, and to be located outside of the one-third of the lot furthest removed from any street; from Section 400.3 to permit two existing

<sup>2</sup> Likewise, it fails to comply with its own note (as required by Mr. Perlow's comment).

accessory structures on Lot 81 (the two barns) to have a height of 35 feet each in lieu of the maximum allowed 15 feet; and, from Section 101 to permit two existing accessory structures on Lot 81 (the two barns) to be of similar area (footprint) as the existing dwelling on-site, in lieu of same being subordinate in area, in accordance with Developer's Exhibits 1A and 1B, be and is hereby DISMISSED AS MOOT.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code, and any request for reconsideration thereof must be filed pursuant to Rule 2(K) of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer for Baltimore County.



LAWRENCE E. SCHMIDT  
Zoning Commissioner/Hearing Officer  
for Baltimore County

LES:bjs

ORDER FOR FILING  
2/14/12  
[Signature]



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3801 Perry Hall Road

which is presently zoned D.R. 2/R.C. 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE DETERMINED AT HEARING.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

**Contract Purchaser/Lessee:**

The Highlands @ Perry Hall, LLC

By: [Signature]

Name - Type or Print Ronald O. Schaftel, Member

Signature

(410)

111 South Calvert Street, S-2820 347-4800

Address

Telephone No.

Baltimore, Maryland

21202

City

State

Zip Code

**Attorney For Petitioner:**

Robert A. Hoffman

Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP

Company

210 Allegheny Avenue (410) 494-6200

Address

Telephone No.

Towson, Maryland

21204

City

State

Zip Code

**Legal Owner(s):**

SEE ATTACHED

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

**Representative to be Contacted:**

Robert A. Hoffman

Name

210 Allegheny Avenue (410) 494-6200

Address

Telephone No.

Towson,

Maryland

21204

City

State

Zip Code

**OFFICE USE ONLY**

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING

Reviewed By JRF Date 12/11/01

Case No. 02-248-A

REV 9/15/98

ORDER RECEIVED FOR FILING

Date

By



## Petition for Variance

1. Variance from Baltimore County Zoning Regulations Section 1B01.2.C.1.b to allow a side building face to side building face setback of 20 feet in lieu of the required 30 feet for Lots 1-39 and 41-80.
2. Variance from Baltimore County Zoning Regulations Section 400.1 to permit three existing accessory structures on Lot 81 (two barns and one garage) to be located in the side and front yards in lieu of the rear yard and to be located outside of the one-third of the lot furthest removed from any street.
3. Variance from Baltimore County Zoning Regulations Section 400.3 to permit two existing accessory structures on Lot 81 (two barns) to have a maximum height of 35 feet each in lieu of the permitted 15 feet.
4. Variance from Baltimore County Zoning Regulations Section 101 to permit two existing accessory structures on Lot 81 (two barns) to be of similar area (footprint) as the existing dwelling on site in lieu of being subordinate in area (footprint).

ORDER RECEIVED FOR FILING

Date

By

TO1DOCS1/ald99/#127226 v1

Legal Owners

Legal Owners: Parcel No. 109

9807 Belair Road  
Baltimore, Maryland 21128-9727  
(410) 256-5832

By: John G. Kraft  
John G. Kraft

By: Joseph H. Kraft  
Joseph H. Kraft

By: Robert C. Kraft  
Robert C. Kraft

By: Margaret Krause  
Margaret Krause

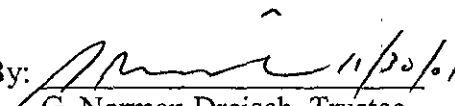
By: Anna M Dietz  
Anna Dietz

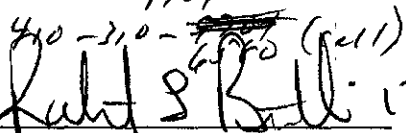
By: Catharine T. Ryan  
Catharine T. Ryan

Legal Owners

Legal Owners: Parcel No. 110

Trustees of the Kahl Family  
Trust (dated October 21, 1992)  
800 Seneca Park Road  
Baltimore, Maryland 21220-2312

By:  11/30/01  
G. Norman Dreisch, Trustee  
(410) 745-~~3928~~  
9701

By:  12-30-01  
Robert L. Bertorelli, Trustee  
(410) 335-~~6657~~  
6757

**MORRIS & RITCHIE ASSOCIATES, INC.**

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,  
AND LANDSCAPE ARCHITECTS



**Zoning Description**

~~40.58~~ ~~40.383~~ Acre Parcel of Land

**Lands of Anna Dietz et al and Lands of G. Norman Dreisch et al, Trustees  
Located Along and Adjacent to Perry Hall Road  
Eleventh Election District – Baltimore County, Maryland**

**Beginning** for the same at a point located at the end of the third or North 62-3/4 degrees East, 85.5 perches line of lands described in a deed dated January 2, 1992 from Theresa C. Kraft to Anna Dietz et al and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 9073, folio 350

**Thence** binding on the fourth line and a portion of the first line of the aforementioned deed, referring all courses of this description to the meridian of the Maryland Coordinate System (NAD '83/91) as now surveyed, the following two (2) courses and distances, viz:

1. South 52 degrees 34 minutes 17 seconds East, 652.40 feet to a point;
2. South 56 degrees 30 minutes 42 seconds West, 15.87 feet to a point located at the end of the first or North 25 degrees 50 minutes West, 20 perches line of the secondly described parcel of lands described in a deed dated October 21, 1992 from Edward H. Kahl and Mary E. Kahl to G. Norman Dreisch et al, Trustees of the Kahl Family Trust and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 9483, folio 288

**Thence** binding reversely on said first line and binding reversely on the first or North 25-1/2 degrees West, 21 perches line of the firstly described parcel of the aforementioned deed from Kahl to Dreisch et al, in all

3. South 31 degrees 15 minutes 39 second West, 678.90 feet to a point;

**Thence** binding on the fourth line of the firstly described parcel of the aforementioned deed from Kahl to Dreisch et al

4. South 56 degrees 37 minutes 57 seconds West, 1178.96 feet to a point;

**Thence** binding on the third line of the firstly described parcel and the third line of the secondly described parcel of the aforementioned deed from Kahl to Dreisch et al, in all

# 248

5. North 50 degrees 31 minutes 01 seconds West, 706.90 feet to a point located at the end of the first of South 62-3/4 degrees West, 85.8 perches line of the aforementioned deed from Kraft to Dietz et al

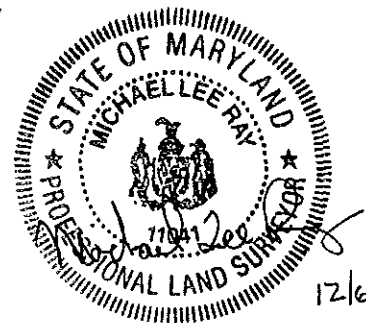
**Thence** binding on the second and third lines of the aforementioned deed from Kraft to Dietz, the following two (2) courses and distances, viz:

6. North 50 degrees 31 minutes 01 seconds West, 657.96 feet to a point;
7. North 57 degrees 01 minutes 25 seconds East, 1407.68 feet to the point and place of beginning.

**Containing** an area of 40.383 acres of land, more or less.

**Being** all of the following:

- A. Lands described in a dated January 2, 1992 from Theresa C. Kraft to Anna Dietz et al and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 9073, folio 350.
- B. Lands described in a deed dated October 21, 1992 from Edward H. Kahl and Mary E. Kahl to G. Norman Dreisch et al, Trustees of the Kahl Family Trust and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 9483, folio 288. Being also known as #3801 Perry Hall Road.



#11470

IMORE COUNTY, MARYLAND  
E OF BUDGET & FINANCE  
ELLANEOUS RECEIPT

No. **08190**

12-11-01 ACCOUNT 001-6150

*BS*

AMOUNT \$ 650.00

ED ALTEL PROPERTIES

3401 Perry Hall Rd

VARIANCE MAXIMUM

ITEM # 248

TAKEN BY: JRE

UTION  
- CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME

12/12/2001 12/11/2001 15:24:32

RIG 4501 CASHIER JRIC JAR DRAMER 1

>> RECEIPT # 075560 OFLN

Dept 5 528 ZONING VERIFICATION

CH NO. 008190

Recpt Tot 650.00

650.00 CK .00 Ca

Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-248-A

3801 Perry Hall Road

W/S of Perry Hall Road, 1055', centerline of Perry Hall Road

11th Election District - 5th Councilmanic District

Legal Owner(s): John G. Joseph, Robert C. Kraft and Margaret Krause and Anne Dietz; Trustees of the Kahl Family, G. Norman Dreisch & Robert L. Bertorelli

Contract Purchaser: Ronald O. Schaffel, The Highlands @ Perry Hall

Variance: to allow a side building face to side building face setback of 20 feet in lieu of the required 30 feet for lots 1-39 & 40-80; to permit three existing accessory structures on Lot 81 (2 barns and 1 garage) to be located in the side and front yards in lieu of the rear yard and to be located outside of the 1/3 of the lot farthest removed from any street; to permit two existing accessory structures on lot 81 (2 barns) to have a maximum height of 35 feet each in lieu of the permitted 15 feet; and to permit two existing accessory structures of lot 81 (2 barns) to be of similar area (footprint) as the existing dwelling on site in lieu of the being subordinate in area (footprint)

Hearing: Thursday, January 24, 2002 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 Chesapeake Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County.

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

1/203 Jan. 10

C514834

**CERTIFICATE OF PUBLICATION**

1/11/02, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/10/02, 2002.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

*S. Wilkinson*

LEGAL ADVERTISING

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

## ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

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#### For Newspaper Advertising:

Item Number or Case Number: 02-248-A

Petitioner: Kraft, et al.

Address or Location: 3801 Perry Hall Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Pontell

Address: 210 Allegheny Avenue  
Towson MD 21204

Telephone Number: (410) 494-6206



TO: PATUXENT PUBLISHING COMPANY  
Thursday, January 10, 2002 Issue – Jeffersonian

Please forward billing to:

Amy Dontell  
Venable Baetjer & Howard  
210 Allegheny Avenue  
Towson MD 21204

410 494-6244

---

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-248-A

3801 Perry Hall Road

W/S of Perry Hall Road, 1055', centerline of Perry Hall Road

Legal Owners: John G, Joseph Robert C Kraft and Margaret Krause and Anne Dietz; Trustees of the Kahl Family, G. Norman Dreisch & Robert L Bertorelli

Contract Purchaser: Ronald O Schaftel, The Highlands @ Perry Hall

11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Variance to allow a side building face to side building face setback of 20 feet in lieu of the required 30 feet for lots 1-39 & 40-80; to permit three existing accessory structures on Lot 81 (2 barns and 1 garage) to be located in the side and front yards in lieu of the rear yard and to be located outside of the 1/3 of the lot farthest removed from any street; to permit two existing accessory structures on lot 81 (2 barns) to have a maximum height of 35 feet each in lieu of the permitted 15 feet; and to permit two existing accessory structures of lot 81 (2 barns) to be of similar area (footprint) as the existing dwelling on site in lieu of the being subordinate in area (footprint)

HEARING: Thursday, January 24, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt 022

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County  
Department of Permits and  
Development Management

Director's Office  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
410-887-3353  
Fax: 410-887-5708

January 7, 2002

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-248-A

3801 Perry Hall Road

W/S of Perry Hall Road, 1055', centerline of Perry Hall Road

Legal Owners: John G, Joseph Robert C Kraft and Margaret Krause and Anne Dietz; Trustees of the Kahl Family, G. Norman Dreisch & Robert L Bertorelli

Contract Purchaser: Ronald O Schafel, The Highlands @ Perry Hall

11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Variance to allow a side building face to side building face setback of 20 feet in lieu of the required 30 feet for lots 1-39 & 40-80; to permit three existing accessory structures on Lot 81 (2 barns and 1 garage) to be located in the side and front yards in lieu of the rear yard and to be located outside of the 1/3 of the lot farthest removed from any street; to permit two existing accessory structures on lot 81 (2 barns) to have a maximum height of 35 feet each in lieu of the permitted 15 feet; and to permit two existing accessory structures of lot 81 (2 barns) to be of similar area (footprint) as the existing dwelling on site in lieu of the being subordinate in area (footprint)

HEARING: Thursday, January 24, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

GDZ



C: John G, Joseph Robert C Kraft and Margaret Krause and Anne Dietz 9807 Belair Road, Baltimore 21128; Trustees of the Kahl Family, G. Norman Dreisch & Robert L Bertorelli, 800 Seneca Park Road, Baltimore 21220  
Robert A Hoffman, Venable Baetjer & Howard, 210 Allegheny Avenue, Towson 21204  
Ronald O Schaftel, The Highlands @ Perry Hall, 111 S Calvert Street, Baltimore 21202  
Amy Dontell, Venable Baetjer & Howard, 210 Allegheny Avenue, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY JANUARY 9, 2002.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

January 25, 2002

Robert A Hoffman  
Venable Baetjer & Howard LLP  
210 Allegheny Avenue  
Towson MD 21204

Dear Mr. Hoffman:

RE: Case Number: 02-248-A, 3801 Perry Hall Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 11, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning & Community Conservation	410-887-3480
Department of Environmental Protection and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: gdz

Enclosures


C: Anna Dietz, John G, Joseph H, Robert C Kraft, Margaret Krause, & Catharine Ryan,  
9807 Belair Road, Baltimore 21128-9727  
Ronald O Schaftel, The Highlands @ Perry Hall LLC, 1111 S Calvert Street,  
Baltimore 21202 Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)  
People's Counsel



**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits & Development Mgmt. **DATE:** February 7, 2002

**FROM:**  Robert W. Bowling, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For January 22, 2002  
Item Nos. 241, 242, 243, 244, 245,  
247, 248, 249, 250, 253, 254, 255,  
256, 257, 258, 259, and 260

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4880

January 23, 2002

Department of Permits and  
Development Management (PDM)  
County Office Building, Room 111  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF January 14 2002

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

078, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 252,  
253, 254, 256, 257, 258, 259, 260, and 262

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office  
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon  
FROM: Todd G. Taylor <sup>164</sup>  
DATE: February 12, 2002

FEB 20

SUBJECT: Zoning Item 248  
Address 3801 Perry Hall Road

*Zoning Advisory Committee Meeting of January 14, 2002*

\_\_\_\_\_ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

\_\_\_\_\_ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

\_\_\_\_\_ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

\_\_\_\_\_ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

\_\_\_\_\_ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

X Additional Comments:

The comments made by DEPRM at the Development Plan Conference regarding forest clearing may affect the design of lots 1-9.

Reviewer: Glen Shaffer

Date: February 12, 2002

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits and  
Development Management

**DATE:** January 29, 2002

**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

**SUBJECT:** 3801 Perry Hall Road

JAN 29

### INFORMATION:

**Item Number:** 02-248

**Petitioner:** John Kraft  
Robert Kraft  
Joseph Kraft  
Anna Dietz  
Catharine Ryan  
Margaret Krause

**Zoning:** DR 2/RC 2

**Requested Action:** Variance

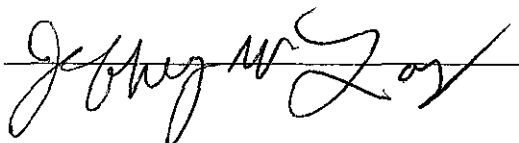
### SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit a side building face to side building face setback of 20 feet in lieu of the required 30 feet for lots 1-39 and 41 -80. This office also supports the request to permit three existing accessory structures on lot 81 to be located in the side and front yards in lieu of the rear yard as well as being located outside of the one third of the lot furthest removed from any street. Support is also given to permit these structures to have a maximum height of 35 feet in lieu of the required 15 feet and to have a similar area footprint as the existing dwelling on the site in lieu of being subordinate in area.

**Prepared by:**



**Section Chief:**  
AFK:MAC:







**Maryland Department of Transportation  
State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 1.18.02

Mr. George Zahner  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 248 JRF

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief  
Engineering Access Permits Division

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

# ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 02-248-A

Date Completed/Initials

1-7-02

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

1-7-02

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

1-7-02

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

\_\_\_\_\_

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

\_\_\_\_\_

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

\_\_\_\_\_

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

\_\_\_\_\_

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

\_\_\_\_\_

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

\_\_\_\_\_

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

\_\_\_\_\_

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

\_\_\_\_\_

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

RE: PETITION FOR VARIANCE  
3801 Perry Hall Road, SW/S Perry Hall Rd,  
1055' +/- N of c/l Perry Hall Rd tee.  
11th Election District, 5th Councilmanic

Legal Owner: John, Joseph, Robert Kraft, Margaret  
Kraus, Anna Dietz, Catherine Ryan  
Contract Purchaser: The Highlands at Perry Hall LLC  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 02-248-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**



PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23<sup>rd</sup> day of January, 2002 a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).



PETER MAX ZIMMERMAN



REVISION BY: LHM

DATE: 11/29/01

SCALE: 1"=20'

JOB NO.: 11470

5TH COUNCILMANIC DISTRICT

17TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

THE HIGHLANDS AT PERRY HALL

PLAN TO ACCOMPANY PETITION FOR VARIANCE

AND STREET REPAIRING - Lot

DEVELOPMENT PLAN

PLAN NO. 201-1748

DATE: 11/29/01

PROJECT: 110 WEST ROAD SUITE 245

THOMSON, MARYLAND 21245

PHONE: (410) 821-1880

FAX: (410) 821-1748

**MRA**

ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS

**MORRIS & RITCHIE ASSOCIATES, INC.**

17TH ELECTION DISTRICT

17TH COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND

THE HIGHLANDS AT PERRY HALL

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**LEGEND:**

- HOUSE FRONT ORIENTATION
- STORM DRAIN END WALL
- STORM DRAIN END SECTION
- SINGLE INLET
- DOUBLE SINGLE INLET
- STORM DRAIN MANHOLE
- SANITARY CLEANOUT
- SANITARY MANHOLE
- FIRE HYDRANT
- UTILITY EASEMENT
- PROPOSED TELE LINE
- PROPOSED ELECTRIC LINES
- PROPOSED GAS LINES
- PROP. WATER
- PROP. STORM DRAIN
- PROP. STORM DRAIN
- PROP. SANITARY
- PROP. SANITARY
- PROP. CURB & GUTTER
- SOILS LIMIT
- REFORESTATION AREA
- EXISTING WETLANDS
- LIMIT OF FOREST BUFFER
- 100 YR. FLOOD PLAIN
- ZONING LINE
- SETBACK LINES
- PROP. WOODS LINE
- EX. WOODS LINE
- EX. CONTOUR
- EX. R/W
- EX. PROPERTY LINE

**VICINITY MAP**

SCALE: 1" = 1000'

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NOTES:

1. OWNERS:

PARCEL 101:  
JOHN KRAFT, JOSEPH KRAFT, ANNA DIETZ, MARGARET KRAUSE, ET AL.  
4001 BELAIR RD.  
PERRY HALL, MD 21228-4721

PARCEL 110:  
NORMAN DREISCH AND ROBERT BERTORELLI, TRUSTEES  
800 SENECA PARK RD.  
BALTIMORE, MD 21220-2312

2. CONTRACT PURCHASER / DEVELOPER:

HIGHLANDS OF PERRY HALL LLC.  
ATTN: RON SCHAFFEL  
111 S. CALVERT ST. SUITE 2020  
BALTIMORE, MD 21202  
PHONE: (410) 341-4600

3. PLAN PREPARED BY:

MORRIS & RITCHIE ASSOCIATES, INC.  
10 WEST ROAD, SUITE 245  
TOWSON, MD 21204  
ATTENTION: LYNDON HART, PROJECT MANAGER, PLA  
PHONE (410) 821-6640

4. EXISTING PROPERTY INFORMATION:

GROSS AREA 40.58 AC.-  
PERRY HALL ROAD R/W TO CAL. 0.04 AC.-  
NET AREA 40.44 AC.-  
EXISTING ZONING DR-2 40.44 AC.- (SEE NOTE #20)  
ADDRESS 3601 PERRY HALL ROAD  
PERRY HALL, MD 21228

5. GENERAL INFORMATION:

COUNCILMANIC TRACT: 5  
CENSUS TRACT: 414.03  
ELECTION DISTRICT: II  
TAX ACCOUNT NO.: 11-111071616, 11-111000875  
DEED REFERENCE: 9013/350, 9463/286  
TAX MAP REFERENCES: MAP 63, GRID: 15, PARCELS: 101, 110  
ADJ. MAP REFERENCES: MAP: 21, GRID: D-1 & E-1  
WATERSHED: M-5, MAP M-11-B  
SUBSEWER SHED: S-5, MAP S-11-B  
ZONING MAP: NE 12-H, NE 19-H  
TOPO MAP: BALTIMORE COUNTY 615 TILE #6382

6. EXISTING LAND USE, FOREST AND AGRICULTURAL WITH SEVERAL FARM BUILDINGS AND ONE SINGLE FAMILY DETACHED DWELLING. THE PROPOSED USE IS RESIDENTIAL.

7. PROPOSED LAND USE/ DENSITY CALCULATIONS FOR DR-2 (SEE NOTE #20)

40.58 AC.- (GROSS AREA) X 2 UNITS/AC. = 81.16 UNITS PERMITTED  
TOTAL UNITS PROPOSED: 81 SINGLE FAMILY LOTS  
(INCLUDING THE EX. FARMHOUSE)

THIS PROPERTY, AS SHOWN ON THE PLAN, HAS BEEN HELD INTACT SINCE 1941. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY HAS EVER BEEN UTILIZED, RECORDED, OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.

8. PARKING REQUIRED: 2 SPACES PER UNIT, OR 162 TOTAL SPACES  
PARKING PROPOSED: 162 SPACES IN INDIVIDUAL DRIVEWAYS AND/OR GARAGES.  
ALL PARKING & MANEUVERING AREAS ON INDIVIDUAL LOTS SHALL BE PAVED AND SHALL BE THE RESPONSIBILITY OF THE BUILDER.

9. ALL PUBLIC UTILITIES WILL BE LOCATED AS REQUIRED PER BALTIMORE COUNTY REGULATIONS.

10. STORMWATER MANAGEMENT:

STORMWATER MANAGEMENT WILL COMPLY WITH BALTIMORE COUNTY STANDARDS. THERE SHALL BE THREE (3) FACILITIES TO PROVIDE QUALITY & QUANTITY MANAGEMENT FOR THIS DEVELOPMENT. TWO (2) AND TEN (10) YEAR PEAK QUANTITY MANAGEMENT WILL BE PROVIDED IN FACILITIES 'A' AND 'B'. FACILITY 'C' WILL PROVIDE TWO (2), TEN (10), AND ONE HUNDRED (100) YEAR PEAK QUANTITY MANAGEMENT. ALL PROPOSED FACILITIES WILL BE OWNED AND MAINTAINED BY BALTIMORE COUNTY. SLOPES FOR THE STORMWATER MANAGEMENT FACILITIES SHALL NOT EXCEED 3:1 SLOPE RATIOS (SECTION 254.9.C.2 - BALTIMORE COUNTY ZONING REGULATIONS).

11. GRADING AS SHOWN IS SCHEMATIC ONLY.

12. A SCHEMATIC LANDSCAPE PLAN HAS BEEN SUBMITTED CONCURRENTLY WITH THE DEVELOPMENT PLAN. A FINAL LANDSCAPE PLAN WILL BE PREPARED FOR SUBMITTAL IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.

PLANTING CALCULATIONS:  
765 LF ADJACENT ROAD 1/40 = 14.6 P.U.  
4,265 LF INTERIOR ROAD 1/20 = 213.3 P.U.  
710 LF SIDE & REAR YARD SCREENING 1/5 = 142.0 P.U.  
1,240 LF SHM SCREENING 1/5 = 248.0 P.U.  
TOTAL PLANTING UNITS REQUIRED: = 364.9 P.U.  
TOTAL PLANTING UNITS PROPOSED: = 364.0 P.U.

13. AVERAGE DAILY TRIPS CALCULATED FROM THE BALTIMORE COUNTY COMPREHENSIVE MANUAL OF DEVELOPMENT POLICY:

81 UNITS X 10 TRIPS / SINGLE FAMILY UNIT = 810 ADITS

14. THE PROPOSED SINGLE FAMILY SUBDIVISION IS ACCESSIBLE FROM EXISTING PERRY HALL ROAD VIA:  
1. EXTENSION OF PERRY HALL ROAD;  
2. PROPOSED PUBLIC ROAD 'C'.

A FUTURE CONNECTION TO THE LEO KAHN PROPERTY (PARCEL 111) FROM THE HIGHLANDS PROJECT IS PROPOSED VIA PUBLIC ROAD 'E'.

15. SIDEWALKS SHALL BE PROVIDED ALONG ALL PUBLIC ROADS WITHIN THE SITE BOUNDARIES.

16. FOREST CONSERVATION:

APPROXIMATELY 34.8 AC. OF THE 40.44 AC.- SITE IS SUBJECT TO BALTIMORE COUNTY FOREST CONSERVATION REGULATIONS. A SEPARATE FOREST STAND DELINEATION PLAN HAS BEEN SUBMITTED TO DEPRM BY GEO-TECHNOLOGY ASSOCIATES, INC. AND WAS APPROVED BY DEPRM ON JULY 31, 2001. THE PRELIMINARY FOREST CONSERVATION PLAN (FCP) WAS APPROVED BY DEPRM ON SEPT. 5, 2001.

17. ZONING SETBACKS REQUIRED:

A. DR-2 ZONE:  
FRONT FACE TO PUBLIC R/W: 25'  
SIDE TO PUBLIC R/W: 25'  
SIDE BUILDING FACE TO SIDE BUILDING FACE: 30' (SEE NOTE #20 B)  
SIDE BUILDING FACE TO TRACT BOUNDARY: 25'  
REAR FACE TO PROPERTY LINE: 30'  
MAXIMUM BUILDING HEIGHT: 50'

B. ALL ZONES:  
35' MINIMUM BUILDING SETBACK FROM THE FOREST CONSERVATION EASEMENT.

C. THIS SITE IS NOT SUBJECT TO RTA RULES AND REGULATIONS.

18. OPEN SPACE REQUIRED: 52,650 SF ACTIVE AND 28,350 SF PASSIVE, OR A COMBINATION THEREOF AS SPECIFIED IN SECTION III.D.3;  
OPEN SPACE PROVIDED: 52,650 SF +/- ACTIVE AND 28,350 SF +/- PASSIVE

19. SIGNAGE:

ONE COMMUNITY ENTRANCE SIGN IS PROPOSED IN ADDITION TO COMMUNITY REGULATORY SIGNS. ALL PROPOSED SIGNS WILL CONFORM TO BALTIMORE COUNTY SIGNAGE REGULATIONS (BCZR SECTION 450). APPROVAL OF THE COMMUNITY ENTRANCE SIGN SHALL OCCUR PRIOR TO ISSUANCE OF THE BUILDING PERMIT FOR SAME.

20. THE FOLLOWING ZONING APPROVALS HAVE BEEN REQUESTED:

- A. PETITION FOR ZONING MAP CORRECTION (CASE # MC01-3) ON NOVEMBER 23, 2001, THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY APPROVED A PETITION FOR ZONING MAP CORRECTION FILED BY BALTIMORE COUNTY, MARYLAND, WHICH RESULTED IN PARCEL 101 BEING REZONED FROM RC-2 TO DR-2 IN ITS ENTIRETY.
- B. A PETITION FOR VARIANCE WILL BE SUBMITTED FROM BCZR SECTION 1803.2.1.B TO ALLOW A SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 20 FEET IN LIEU OF THE REQUIRED 30 FEET FOR LOTS 1-34 AND 41-60. SEE VARIANCE CHART.
- C. THE FOLLOWING PETITIONS FOR VARIANCE WILL BE SUBMITTED FOR APPROVAL OF THREE EXISTING ACCESSORY STRUCTURES ON LOT B1 (TWO BARNIS AND ONE GARAGE) TO REMAIN FOLLOWING CESSATION OF FARMING USES.
- I. VARIANCE FROM BCZR SECTION 400.1 TO PERMIT THREE ACCESSORY STRUCTURES TO BE LOCATED IN THE SIDE AND FRONT YARDS IN LIEU OF THE REAR YARD AND TO BE LOCATED OUTSIDE OF THE ONE-THIRD OF THE LOT FURTHEST REMOVED FROM ANY STREET.
- II. VARIANCE FROM BCZR SECTION 400.3 TO PERMIT TWO ACCESSORY STRUCTURES (TWO EXISTING BARNIS) TO HAVE A MAXIMUM HEIGHT OF 35 FEET IN LIEU OF THE PERMITTED 15 FEET.
- III. VARIANCE FROM BCZR SECTION 101 TO PERMIT TWO ACCESSORY STRUCTURES (TWO EXISTING BARNIS) TO BE OF SIMILAR AREA (FOOTPRINT) AS THE EXISTING DWELLINGS IN LIEU OF BEING SUBORDINATE IN AREA (FOOTPRINT).

THE PETITIONS FOR VARIANCE WILL BE REQUESTED TO BE HEARD IN A COMBINED HEARING WITH THE DEVELOPMENT PLAN.

21. PARCEL 110 EXISTING SEPTIC AND MELLIS WILL BE ABANDONED AT THE APPROPRIATE TIME. TO THE BEST OF OUR KNOWLEDGE, ALL OTHER PREVIOUSLY EXISTING MELLIS & SEPTIC SYSTEMS HAVE BEEN ABANDONED PER BALTIMORE COUNTY PROCEDURE. THIS SITE IS PROPOSED FOR PUBLIC WATER AND SEWER.

22. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO KNOWN ARCHEOLOGICAL OR SIGNIFICANT HISTORIC SITES OR DISTRICTS FOR THIS SITE.

23. THERE ARE NO 100-YEAR FLOOD PLAINS ASSOCIATED WITH THIS SITE. THE SITE IS LOCATED OUTSIDE THE CHESAPEAKE BAY CRITICAL AREA.

24. THE BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.

25. PARTS OF THE EXISTING 15' ACCESS EASEMENT LOCATED ALONG THE NORTHWEST AND NORTHEAST BOUNDARIES OF PARCEL 101 SHALL BE EXTINGUISHED PRIOR TO RECORD PLAT APPROVAL WHERE APPROPRIATE.

26. ANY EXISTING TRASH, JUNK, OR DEBRIS FOUND ON THE SITE SHALL BE REMOVED TO RECORD PLAT.

27. ACCESS TO THE FOREST CONSERVATION EASEMENT SHALL BE AVAILABLE AT THE TERMINUS OF SCHROEDER AVE. AND ALONG THE NORTHWEST SIDE OF PROPOSED BALTIMORE COUNTY ROAD 'D'.

28. A HYDROGEOLOGICAL REPORT AND AN ENVIRONMENT EFFECTS HAS BEEN FILED WITH DEPRM.

29. ACCORDING TO THE STATE AND COUNTY SERVICES THERE ARE NO KNOWN RARE, THREATENED OR ENDANGERED SPECIES OR COMMUNITIES KNOWN TO EXIST ON THIS SITE.

30. THERE MAY BE UNDERGROUND TANK(S) ASSOCIATED WITH THE EXISTING HOUSE & FARM BUILDINGS LOCATED ON PROPOSED LOT B1.

31. THERE ARE NO KNOWN WETLANDS ASSOCIATED WITH THIS SITE.

32. BOUNDARY INFORMATION WAS PREPARED BY MORRIS & RITCHIE ASSOCIATES, INC. (MRA) BOUNDARY INFORMATION WAS GENERATED FROM A FIELD RUN SURVEY COMPLETED ON 3/14/01 BY MRA. TOPOGRAPHY WAS GENERATED FROM BALTO. CO. 615 DATA (TILE # 6382) AND FROM FIELD RUN SURVEY COMPLETED ON 3/14/01 BY MRA.

33. 1. NO UTILITIES, WHETHER PUBLIC OR PRIVATE, INCLUDING, BUT NOT LIMITED TO TELEPHONE, CABLE TELEVISION, GAS AND ELECTRIC, WATER, SEWER, AND STORM DRAINS SHALL BE PLACED OR CONSTRUCTED ON OR WITHIN THE AREAS LABELED AS OPEN SPACE WITHOUT PRIOR WRITTEN CONSENT FROM THE BALTIMORE COUNTY DEPT. OF RECREATION AND PARKS.  
2. THE DESIGN, CONSTRUCTION AND INSTALLATION OF ALL AMENITIES SHOWN ON THE DEVELOPMENT PLAN SHALL BE THE RESPONSIBILITY OF THE DEVELOPER.

34. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO KNOWN HAZARDOUS MATERIALS ON THIS SITE.

35. NO MASS TRANSIT IS AVAILABLE IN THE VICINITY OF THIS SITE.

36. THE OFFICE OF PLANNING HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS APPROPRIATE. THE "MASTER PLAN 2000 LAND MANAGEMENT AREA PLAN" DESIGNATION FOR THE SUBJECT AREA IS "PERRY HALL-WHITE MARSH GROWTH AREA". THE PROPOSED USE INDICATED ON THE PROPOSED LAND USE MAP OF BALTIMORE COUNTY IS "SINGLE FAMILY DETACHED".

37. THERE ARE NO DELINQUENT ACCOUNTS FOR ANY DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT; A PERSON WITH FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

UNRESOLVED ISSUES:

THE FOLLOWING ISSUES IDENTIFIED DURING THE CONCEPT PLAN PHASE OF THIS PROJECT REMAIN UNRESOLVED AT THE TIME OF THE DEVELOPMENT PLAN FILING:

Bureau of Development Plans Review

- Proposed Public Road 'B' must connect with the proposed public road at the 3900 East Schroeder Avenue Property subdivision.
- Extend the proposed Perry Hall Road northerly through proposed Lot No. 1.
- Public cul-de-sacs shall be improved with a 40-foot paving radius with a combination curb and gutter on a 100-foot diameter right-of-way and shall be developer's full responsibility.
- Public cul-de-sacs shall have the islands shown in them removed.
- All drainage and utility easements that contain proposed utilities shall be a minimum of 20 feet wide.
- Developer shall design and extend water main from existing water main in Belair Road to serve the proposed site.
- Off-site right-of-way will be required to bring public sewer to the site. The developer will be required to maintain an invert elevation lower than 304± at the public road 'C' and Perry Hall Road, to allow upstream properties to be served.

Bureau of Land Acquisition

No Unaddressed Issues

Environmental Impact Review

1. Amendment of the Master Water and Sewer Plan

Stormwater Management Review

No Unaddressed Issues

Grading, Erosion, and Sediment Control

No Unaddressed Issues

PDM - Zoning Review

- Clearly dimension all lot lines of proposed subdivision with bearings and distances. Indicate acreage of Lot 8 and list all required zoning hearings referencing Section, what is being requested, and any other zoning specific issues (see notes A10, B2, and B7 below).
- Provide regional planning district and school district information on the plan.
- Provide an engineering scale elevation on the plan of all existing and proposed freestanding signs. Clearly indicate the type, height, dimensions, square footage, single or double-faced and illumination. All signs must be keyed to their existing or proposed location on the plan print and enough detail must be shown to determine compliance with Section 450 and other applicable sections of the BCZR and all zoning sign policies or a zoning variance is required.
- Agricultural Land Subdivision: As this is a subdivision of agricultural land with more than one principal structure upon it, compliance with Policies A-17 and RM-19 (enclosed) must be established.
- Basic Services Maps: Note if the site is located in (or not located in) any deficient areas on the Basic Services Maps pursuant to Section 4A02, BCZR. Detail compliance if subject to the above conditions.

Office of Planning

- Eliminate panhandle lot (#67).
- Submit side elevation drawings to the Office of Planning for the proposed units that are articulated in a similar manner as the fronts.
- Open spaces should be centrally located and combined into one.
- A set of sign elevation drawings should be included with the development plan submittal.

Department of Recreation and Parks

- Paragraph #3: Location of Local Open Spaces to more centrally located areas within the development in a single accessible parcel of no less than 20,000 sf, per the Local Open Space manual.
- Details shall be shown on the development plan for any pathways and/or amenities located on the open space. These details shall include types of materials and sections. The required notes and information in Section V shall be placed on the Development Plan.

House Numbers and Road Names Section

- Provide five road names to this office to be reserved with the U.S. Postal Service.
- House numbers will be assigned when development plan is submitted.

IN THE MATTER OF

THE APPLICATION OF

SOUTHERN LAND CO., INC., ET AL.

FOR ZONING

MAP CORRECTION ON PROPERTY

LOCATED ON THE W/S PERRY HALL

ROAD, EAST OF SHROEDER AVENUE

5<sup>TH</sup> COUNCILMANIC DISTRICT

\* BEFORE THE

\* COUNTY BOARD OF APPEALS

\* OF

\* BALTIMORE COUNTY

\* CASE NO. M.C. 01-3

ORDER

IT IS THEREFORE, this 23<sup>RD</sup> day of November, 2001, by the County Board of

Appeals of Baltimore County

ORDERED that the present zoning designation of the subject parcel be changed from R.C.

2 to D.R. 2 in its entirety; and it is further

ORDERED that the Office of Permits and Development Management make the necessary

change and correction as set out herein on the latest Comprehensive Zoning Map for Baltimore

County with regard to the subject property.

Any petition for judicial review from this decision must be made in accordance with Rules

7-201 et seq of the Maryland Rules.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

Lawrence S. Westcott, Chairman

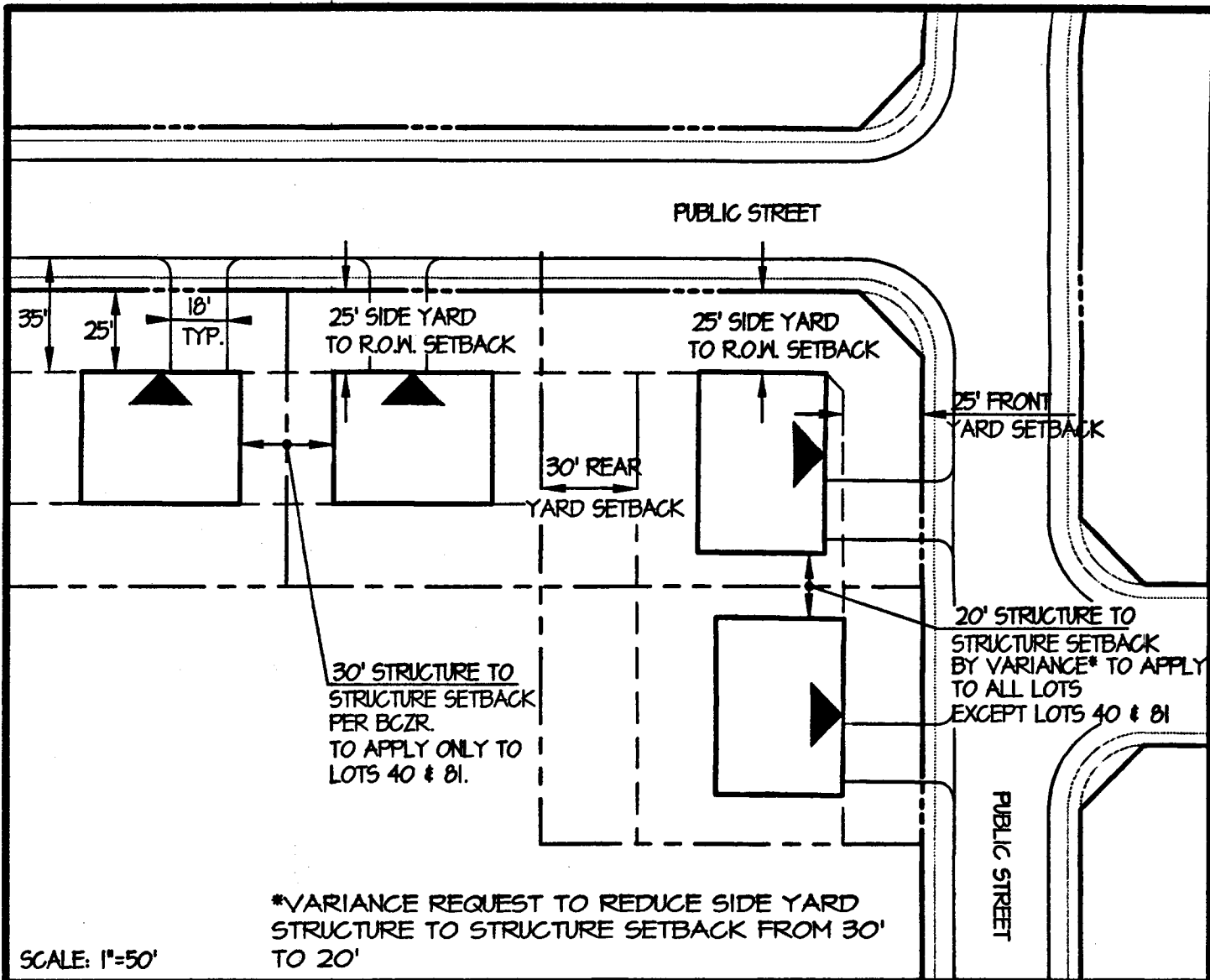
Melissa Moyer Adams

Richard R. Irish

Single-Family Detached, Two-Family Alternative Site Design Dwellings

	D.R. 1 & 2 Zones (feet)	D.R. 3.5, 5.5, 10.5 & 16 Zones (feet)	Zero & Zipper Lots All D.R. Zones (feet)	Neo-Traditional All D.R. Zones (feet)
From front building face to: Public street right-of-way or property line	25	25	25	15
Arterial or collector	-	-	-	25
From side building face to: Side building face	30	16 < 20 high	16	16 < 20 high
Public street right-of-way	25	15	15	15
Paving of a private road	30	25	25	25
Tract boundary	25	15	15	15
From rear building face to: Rear property line	30	30	20	50
Public street right-of-way	30	30	20	50
Additional setbacks: Setbacks for buildings located adjacent to arterial roadways shall be increased by an additional 20 feet.				

This table lists minimum setback requirements and building heights for urban residential use. For a fuller explanation of these and other requirements, consult the Comprehensive Manual of Development Policies (CMDP).



ENVELOPES OR TYPICAL DWELLINGS AS SHOWN DICTATE A SPECIFIC ORIENTATION WHICH IS INTENDED TO ALLOW COMPLIANCE WITH BALTIMORE COUNTY ZONING REGULATIONS AND POLICIES. SHOULD THE ORIENTATION CHANGE OR CREATE CONFLICTS WITH THE REGULATIONS OR POLICIES, THE ORIENTATION MUST BE CHANGED TO ALLEVIATE THE CONFLICT. (SECTION 1B02.3.C.2.c (1B-26.1) IN PDM POLICY MANUAL FOR DR ZONES).

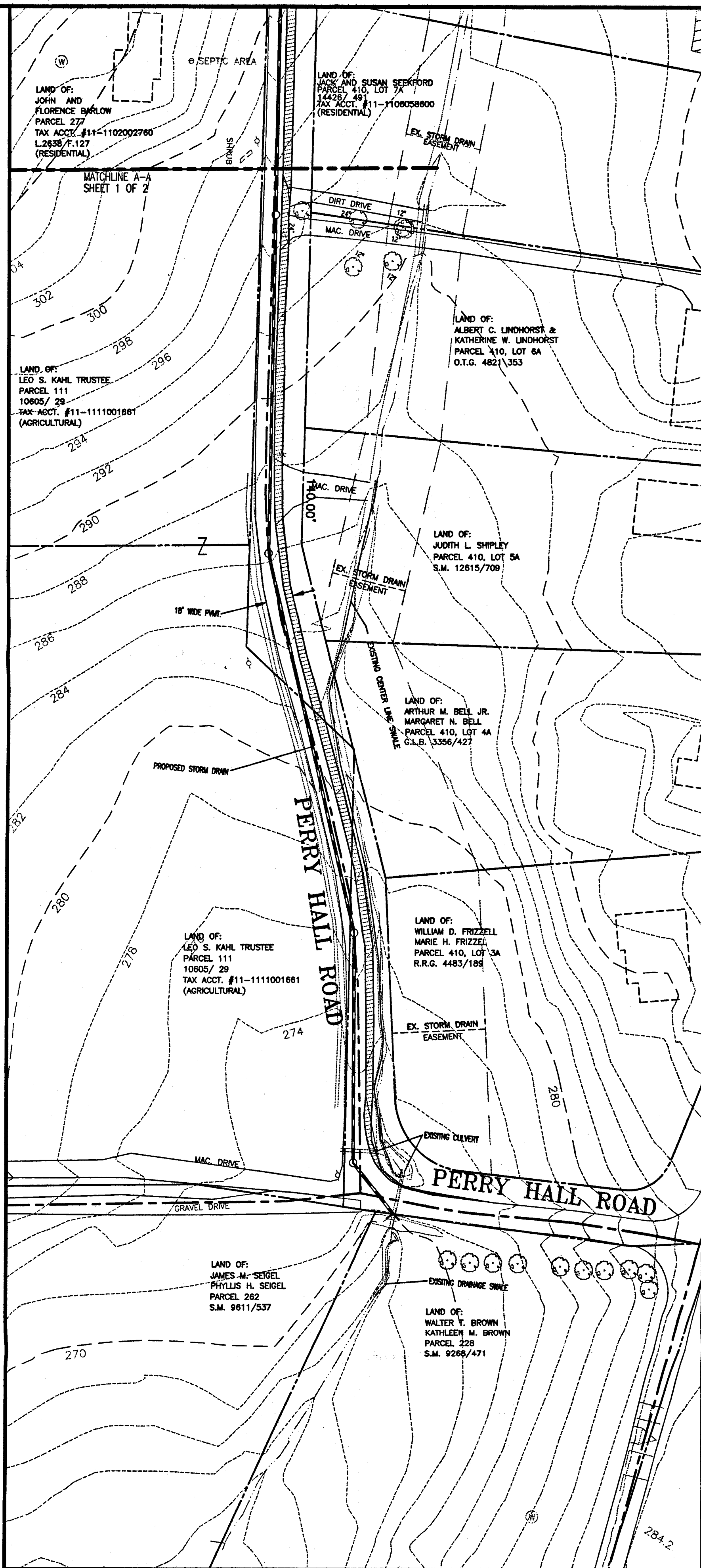
OPEN SPACE PROVIDED

LOCAL OPEN SPACE
LOCAL OPEN SPACE
100 YEAR FLOOD PLAIN
FOREST BUFFER/CONSERVATION
AMENITY AREAS
TRAILS AND CONNECTORS
OTHER
TOTAL PROVIDED
PROPOSED OWNERSHIP

ZONE	GROSS ACRES	UNITS ALLOWED
DR-2 <sup>nd</sup> SEE NOTE NO	40.58 +/-	81
TOTAL	40.58 +/-	81

SCHOOL DISTRICT	STATE RATED CAPACITY (SRC)	ACTUAL SEPT. 50.3 ENROLLMENT
KINGSVILLE ELEMENTARY	439	456
PERRY HALL MIDDLE	1676	1447
PERRY HALL HIGH SCHOOL	2110	2181





PERRY HALL ROAD CONNECTION

SCALE: 1"=50'

SOILS CHART

SOIL SERIES	SEPTIC SYSTEM LIMITATIONS	HOME SITE LIMITATIONS WITH BASEMENT	HOME SITE LIMITATIONS WITHOUT BASEMENT	LIMITATIONS STREETS AND PARKING LOTS	HYDRO. SOILS	SOIL GROUP	SOIL EXPOSURE K FACTOR	SLOPES > 5%
D&B	SEVERE	MODERATE	SLIGHT	MODERATE	N	C	31	3-8%
E&B	MODERATE	SLIGHT	SLIGHT	MODERATE	N	B	31	3-8%
E&C	MODERATE	MODERATE	MODERATE	SEVERE	N	B	32	8-28%
L&B	MODERATE	SLIGHT	SLIGHT	MODERATE	N	B	32	3-8%
L&C	MODERATE	MODERATE	MODERATE	MODERATE	N	B	32	8-28%
L&D	SEVERE	SEVERE	SEVERE	SEVERE	N	B	32	8-28%
L&E	SEVERE	SEVERE	SEVERE	SEVERE	N	B	32	5-28%
M&B	SEVERE	SLIGHT	SLIGHT	MODERATE	N	C	32	3-8%
M&D	SEVERE	SEVERE	SEVERE	SEVERE	N	D	40	0-8%

THE HIGHLANDS AT PERRY HALL  
HYDROLOGY SUMMARY

SHM FACILITY	DESIGN STORM	EXIST. RUNOFF RATE AT DP	PROPOSED INFLOW TO FACILITY	PROPOSED BYPASS	ALLOWABLE RELEASE RATE FROM FACILITY	REQUIRED VOLUME
		CFS	CFS	CFS	CFS	AC-FT.
WATER QUALITY						
A	2 YEAR	16	155	02	14	0.541*
	10 YEAR	8.9	301	13	16	0.162*
	100 YEAR	145	452	N/A	N/A	N/A
WATER QUALITY						
B	2 YEAR	13.6	26.6	0.8	12.8	0.505*
	10 YEAR	33.3	52.0	1.8	31.5	0.161*
	100 YEAR	56.2	10.8	N/A	N/A	N/A
WATER QUALITY						
C	2 YEAR	101	35.2	2.8	13	1.007*
	10 YEAR	33.9	64.6	5.1	28.2	1.388*
	100 YEAR	64.1	105.6	8.8	55.9	1.116*

MANAGEMENT REQUIRED PROVIDED: 2, 10, AND 100 YEAR STORMS AND WATER QUALITY FOR FACILITIES A & B  
2, 10, AND 100 YEAR STORMS AND WATER QUALITY FOR FACILITY C

TOTAL DRAINAGE AREA: 33.9 AC  
GUNPOUNDER FALLS WATERSHED  
0.86 AC. (NEW IMPERVIOUS AREA) x 0.04661 = 0.036 AC-FT.  
1.44 AC. (NEW IMPERVIOUS AREA) x 0.04661 = 0.060 AC-FT.  
2.41 AC. (NEW IMPERVIOUS AREA) x 0.04661 = 0.100 AC-FT.

\* INCLUDES WATER QUALITY VOLUME

ZONING CERTIFICATION

This is to certify that there are no known zoning violations on any properties within Baltimore County owned or controlled by the undersigned property owner(s) and/or developer(s) of the development known as "THE HIGHLANDS AT PERRY HALL."

The undersigned acknowledge(s) that should any zoning violations be discovered during processing of this development, the provisions of Title 22, Bill 18-80, may prevent the County from granting approvals at any stage of the process.

Developer

The Highlands At Perry Hall, L.L.C.  
Ronald O. Schaffel, Member

Contract Purchaser

The Highlands At Perry Hall, L.L.C.  
Ronald O. Schaffel, Member

CERTIFICATION AS TO DELINQUENT ACCOUNTS

This Certification is submitted in connection with the development known as "The Highlands At Perry Hall" and is given in accordance with the provisions of Section 22-55 (c) of the Baltimore County Code, 1978, as amended.

I, Ronald O. Schaffel, member, The Highlands At Perry Hall, L.L.C., certify under oath that there are no delinquent accounts for any other development with respect to any of the following: the applicant, a person with a financial interest in the proposed development, or a person who will perform contractual services on behalf of the proposed development.

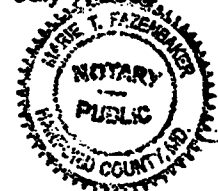
Affiant

STATE OF MARYLAND  
COUNTY OF HARFORD

I HEREBY CERTIFY, that on this 30th day of October, 2001, before me, the subscriber, a Notary Public in and for the County and State aforesaid, personally appeared Ronald O. Schaffel, member, The Highlands At Perry Hall, L.L.C., and made oath in due form of law that the matters and facts hereinabove set forth are true.

NOTARY PUBLIC

My Commission Expires:  
July 1, 2002



LEGEND:

- EX. PROPERTY LINE
- EX. R/W
- EX. CONTOUR
- EX. WOODS LINE
- PROP. WOODS LINE
- SETBACK LINES
- ML-1M ZONING LINE
- BM-1M
- 100 YR. FLOOD PLAIN
- LIMIT OF FOREST BUFFER
- EXISTING WETLANDS
- REFORESTATION AREA
- SOILS LIMIT
- PROP. CURB & GUTTER
- EX. SANITARY
- PROP. SANITARY
- EX. STORM DRAIN
- PROP. STORM DRAIN
- EX. WATER
- PROP. WATER
- PROPOSED GAS LINES
- PROPOSED ELECTRIC LINES
- PROPOSED TELE LINE
- UTILITY EASEMENT
- FIRE HYDRANT
- SANITARY MANHOLE
- SANITARY CLEANOUT
- STORM DRAIN MANHOLE
- DOUBLE SINGLE INLET
- SINGLE INLET
- STORM DRAIN END SECTION
- STORM DRAIN END WALL
- HOUSE FRONT ORIENTATION

PDM #XI-872

<b>MORRIS &amp; RITCHIE ASSOCIATES, INC.</b> ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS 410 WEST ROAD SUITE 245 TOWSON, MARYLAND 21204 (410) 821-1690 FAX (410) 821-1748	
<b>DEVELOPMENT PLAN</b> PLAN TO ACCOMPANY PETITION FOR VARIANCE AND SPECIAL HEARING - Lot <b>THE HIGHLANDS AT PERRY HALL</b> BALTIMORE COUNTY, MARYLAND	
DATE: 11/28/01 REVISIONS:	JOB NO.: 11470 SCALE: 1"= 50' DATE: 11/28/01 DRAWN BY: SL DESIGN BY: LHM REVIEW BY: LHM SHEET: 2 OF 2

VARIANCE REQUEST CHART  
SIDE YARD SETBACK REDUCTION  
BCZR SECTION 1B01.2.C.1.b  
Request to permit a side building face setback of 20 feet in lieu of the required 30 feet.

Lot	Min. 30'	Min. 20'
28	•	•
29	•	•
30	•	•
31	•	•
32	•	•
33	•	•
34	•	•
35	•	•
36	•	•
37	•	•
38	•	•
39	•	•
40	•	•
41	•	•
42	•	•
43	•	•
44	•	•
45	•	•
46	•	•
47	•	•
48	•	•
49	•	•
50	•	•
51	•	•
52	•	•
53	•	•
54	•	•

Lot	Min. 30'	Min. 20'
28	•	•
29	•	•
30	•	•
31	•	•
32	•	•
33	•	•
34	•	•
35	•	•
36	•	•
37	•	•
38	•	•
39	•	•
40	•	•
41	•	•
42	•	•
43	•	•
44	•	•
45	•	•
46	•	•
47	•	•
48	•	•
49	•	•
50	•	•
51	•	•
52	•	•
53	•	•
54	•	•

Lot	Min. 30'	Min. 20'
55	•	•
56	•	•
57	•	•
58	•	•
59	•	•
60	•	•
61	•	•
62	•	•
63	•	•
64	•	•
65	•	•
66	•	•
67	•	•
68	•	•
69	•	•
70	•	•
71	•	•
72	•	•
73	•	•
74	•	•
75	•	•
76	•	•
77	•	•
78	•	•
79	•	•
80	•	•
81	•	•

POSAL

ACRES
1.4/-
N/A
1.6/-
N/A
0.2/-
N/A
9.1/-
HOA

UNDEVELOPED AREAS	ACRES
STORMWATER MANAGEMENT	2.0/-
HOA/COA AREAS	4.1/-
OTHER	N/A
TOTAL PROVIDED	11.1/-

SITE DATA

LOWED	UNITS PROPOSED	PARKING REQUIRED	PARKING PROVIDED
16/-	81	162	162
16/-	81	162	162

COOL IMPACT ANALYSIS

DOY	PROJECTED # OF PUPILS FOR PROPOSED DEVELOPMENT	TOTAL PROJECTED ENROLLMENT	# OF STUDENTS ABOVE OR BELOW CAPACITY	PROJECTED % OF PUPILS AS A % OF SRC
27	485	485	+46	110.5%
11	1508	1508	+688	90.0%
19	2200	2200	+40	104.3%



RC. 2

R.C. 2

R.C. 2

Petition for Zoning Map Correction (Case # MC01-3)  
On November 23, 2001, the County Board of Appeals for Baltimore County approved a petition for Zoning Map Correction filed by Baltimore County, Maryland, which resulted in Parcel 109 being Rezoned from RC-2 to DR-2 in its entirety.

Parcel 109

Parcel 110

POINT LOCUS FROM THE  
INTERSECTION OF  
PERRY HALL RD. AND  
PERRY HALL RD.

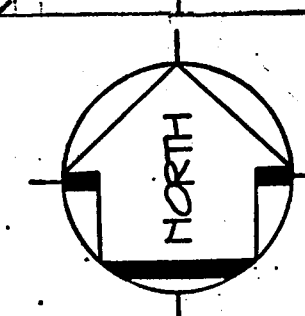
Q-SW Q-SE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

2000 COMPREHENSIVE ZONING MAP  
ADOPTED BY  
THE BALTIMORE COUNTY COUNCIL  
OCTOBER 10, 2000  
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

*Joseph R. Bartolotta*  
Chairman, County Council

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP



SCALE	LOCATION	SHEET
1" = 200' ±	PERRY HALL	12-G
DATE OF PHOTOGRAPHY	GREENWOOD	13-G
JANUARY 1986	GERMANTOWN	12-H
	NORTH of PERRY HALL	13-H

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